

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

November 20, 2012

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087
Austin Texas 78711-3087

**Re: SOAH Docket No. 582-11-9499; TCEQ Docket No. 2009-0890-PWS-E;
Executive Director of the Texas Commission on Environmental Quality v.
Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation
d/b/a Ransom Canyon Center**

Dear Mr. Trobman:

The above-referenced matter will be considered by the Texas Commission on Environmental Quality on a date and time to be determined by the Chief Clerk's Office in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

Enclosed are copies of the Proposal for Decision and Order that have been recommended to the Commission for approval. Any party may file exceptions or briefs by filing the documents with the Chief Clerk of the Texas Commission on Environmental Quality no later than **December 10, 2012**. Any replies to exceptions or briefs must be filed in the same manner no later than **December 20, 2012**.

This matter has been designated **TCEQ Docket No. 2009-0890-PSW-E; SOAH Docket No. 582-11-9499**. All documents to be filed must clearly reference these assigned docket numbers. All exceptions, briefs and replies along with certification of service to the above parties shall be filed with the Chief Clerk of the TCEQ electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and seven copies with the Chief Clerk of the TCEQ. Failure to provide copies may be grounds for withholding consideration of the pleadings.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Vickery".

Travis Vickery
Administrative Law Judge

TEV/mlc
Enclosure
cc: Mailing List

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: JOE MENALDI / RANSOM CANYON CENTER
SOAH DOCKET NUMBER: 582-11-9499
REFERRING AGENCY CASE: 2009-0890-PWS-E

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ TRAVIS VICKERY**

REPRESENTATIVE / ADDRESS

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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D/B/A RANSOM CANYON CENTER

Kari Gilbreth represented the ED. Respondents were represented by Joe Menaldi and his wife, Manuela Menaldi, Respondents' owners who also hold managerial positions in both entities. The record closed on September 28, 2012.¹ The procedural history of this case is detailed in the proposed findings of fact.

II. EVIDENCE, ARGUMENT, AND ANALYSIS

A. Background

Respondents own and operate a public water system located at 8312 East Farm-to-Market Road 3523 in Ransom Canyon, Lubbock County, Texas (Facility). The Facility provides water for human consumption, has approximately three service connections, and serves at least 25 people per day for at least 60 days per year. As a result, the Facility is a public water system as defined in 30 Tex. Admin. Code (TAC) § 290.38(66).

B. The ED's Evidence and Argument

The ED alleges that on fifteen separate occasions from 2007 through 2010, Respondents violated 30 TAC § 290.106(f)(2), which prohibits a public water system from exceeding the maximum contaminant level (MCL) for nitrate of 10 milligrams per liter (mg/L). In support of these allegations, the ED offered documentation and the testimony of two witnesses, Alicia Diehl, Team Leader of the Commission's Drinking Water Quality Team, and Jason Lindeman, a Lubbock Regional Investigator for the Commission. During record reviews conducted from May 7, 2007, through April 20, 2011, TCEQ staff members in the Public Drinking Water Section, Public Water Supply Division, documented that the Facility's drinking water exceeded the MCL for nitrate of 10 mg/L limit on fifteen quarterly events during the first quarter of 2007 though the second quarter of 2010 and the fourth quarter of 2010.²

¹ See, Order No. 5 issued on September 12, 2012.

² ED Ex. 1 at 13, ED Ex. 11, ED Ex. 13, and ED Ex. 15. ED Ex. 11 summarizes all violations, excepting the third quarter of 2010, during which Respondents did not violate 30 TAC § 290.106(f)(2).

As a result of these violations, the ED issued fourteen Notices of Violation (NOVs) documenting the MCL nitrate exceedences during the first quarter of 2007 through the second quarter of 2010 and the fourth quarter of 2010.³

On May 14, 2007, Respondent Joe Menaldi d/b/a Ransom Canyon Center received NOVs for the first and second quarters of 2007. On June 20, 2011, Respondent Joe Menaldi d/b/a Ransom Canyon Center received NOVs for the third quarter of 2007 through the second quarter of 2010 and the fourth quarter of 2010.⁴

On June 10, 2012, Respondent Joseph Adam Corporation d/b/a Ransom Canyon Center received NOVs for failing to comply with the MCL for nitrate of 10 mg/L for the first quarter of 2007 through the second quarter of 2010 and the fourth quarter of 2010.

The ED issued a Notice of Enforcement (NOE) on May 9, 2007. Respondent Joe Menaldi d/b/a Ransom Canyon Center received the NOE on May 12, 2007. Respondent Joseph Adam Corporation d/b/a Ransom Canyon Center received a copy of the NOE at the hearing on the merits on August 14, 2012.⁵

As a result of the fifteen violations, the ED seeks an administrative penalty in the amount of \$2,550. In support of this penalty, the ED offered the testimony of Stephen Thompson, an Enforcement Coordinator at the Commission. Mr. Thompson testified regarding his background, training, and the policies and procedures adopted by the Commission for use in formulating an appropriate administrative penalty in enforcement cases. Specifically, Mr. Thompson testified that he developed the calculations and opined that the Commission's Penalty Policy was accurately applied to the facts of this case. Mr. Thompson testified that an administrative

³ ED Ex. 13.

⁴ *Id.*

⁵ ED Ex. 13 at 32-34.

penalty in the amount of \$2,550 was appropriate, considering the facts and the Commission's Penalty Policy.⁶

The ED also seeks corrective action in this matter. The ED requests that the Respondents be ordered to bring the Facility into compliance with 30 TAC § 290.106's maximum allowable nitrate contaminant level within 180 days after the effective date of the Commission's final order in this case. Mr. Thompson testified that this is ample time for the Respondents to bring the Facility into compliance. He also testified that it is not the Commission's practice or prerogative to instruct the Respondents as to how they are to achieve compliance; rather it is Respondents' duty to achieve compliance on their own. Having said that, Mr. Thompson pointed out that the Commission's Water Supply Division offers assistance to small businesses and small water supply entities on how to develop and maintain compliant facilities.⁷

C. Respondents' Evidence and Argument

Mr. and Mrs. Menaldi testified on behalf of Respondents. Respondents' primary argument is that they have already made substantial attempts to bring the Facility into compliance and that there is nothing more they can do.

The Menaldis explained that they originally retained contractors to drill the well and build the Facility's water system. Thereafter, they discovered that the Facility's water was high in nitrates and they immediately notified the authorities of the situation. They testified that, from the beginning of their efforts to develop a water system at the Facility through present, they have worked with the City of Lubbock to resolve this issue. They also noted that the city has paid for their attempts at remediation. As a result, Respondents argue that there was no incentive not to

⁶ ED Ex. 16, 17, 18, and 21.

⁷ ED Ex. 1 at 6.

comply with the ED's requests and they have been attempting to come into compliance throughout the course of events.

As for working with the ED, the Menaldis stated that they have been trying to comply with the TCEQ's requirements and have done everything the ED asked of them. Specifically, the Menaldis have installed a reverse osmosis (RO) system to extract nitrates from the Facility's water supply, installed filters, pumps, provided bottled drinking water, and posted and transmitted notices warning of the Facility's nitrate levels and what they were doing to correct the problem. Currently, the Respondents are working on a plan to receive water from the City of Ransom Canyon.

Consistent with their efforts to bring the Facility into compliance, on July 11, 2006, EHT, Inc., an engineering firm retained by Respondents, sent a letter to the TCEQ on behalf of Respondents (Proposal Letter). The Proposal Letter detailed the Facility's existing water supply system and proposed construction of an RO treatment system with ground storage.⁸ On February 28, 2007, the Commission issued a response to the Proposal Letter (Response). The Response informed Respondents that the Facility's well and treatment system did not meet water quality standards and would not be approved. The Response explained how the proposed system was inadequate and then suggested potential steps to remedy the problem.⁹

However, the Menaldis testified that they never saw the Response until the hearing on the merits. Ms. Menaldi testified that, although the letter was addressed to EHT, Inc. and their employee, Harold Needham, it was sent to the wrong address. The ED pointed out that the address the Response was sent to the same address that EHT, Inc. listed for Respondents in the Proposal Letter.¹⁰ Nevertheless, the ED noted that it is now the Commission's policy to send

⁸ ED Ex. 4.

⁹ ED Ex. 4 and 24.

¹⁰ ED Ex. 4 at 3.

such letters to the last known address on file for the Respondent in the Commission's Central Registry. Although it would perhaps have been better had the Response been sent to Respondents' address on file in the registry, focusing on the allegations in this case, the ALJ finds that the NOV's should have alerted Respondents to the fact that they were still out of compliance and that they needed to follow up with the Commission regarding the Proposal Letter.

The Menaldis also assert that, although they were receiving the NOV's, they thought they were in compliance, so long as they continued to use the RO system, provide drinking water, and issue the notices of high nitrate levels. The ED argues, that while Respondents other efforts are commendable, this does not change the fact that the Facility's nitrate levels exceeded the MCL, which the NOV's clearly stated.

Regarding the administrative penalty, Respondents maintained that they have made good faith efforts to address the nitrate levels, as outlined above. Respondents argue they have attempted to satisfy every request of the ED in terms of addressing this issue. Specifically, Mr. Thompson admitted that Respondents have attempted to come into compliance and have never refused a request of his.¹¹

Nevertheless, the ED maintains that matters regarding the City of Lubbock's participation, cost deferral, and Respondents' remedial efforts are irrelevant to the requirement that owners of water systems must comply with nitrate limits. The Facility has consistently tested positive for high nitrate levels and the problem must be remedied. Furthermore, the ED does not look to the city, but rather to the Respondents to bring the Facility into compliance and pay any administrative penalty. The ED does not dispute that Respondents provided quarterly reports to the ED, alternative drinking water, and public notices, which contained the correct wording. Rather, the ED argues that while the alternative water source and notices were

¹¹ Hearing Record No. 2 at 1:13:00 through 1:14:00.

required, providing them did not and does not absolve Respondents of the duty to maintain a compliant water system – there is no substitute for compliance.

As regards potential corrective action, Ms. Diehl testified that the well was not drilled properly and is not sealed with cement at the upper zones, which allows contaminants to enter the Facility's water supply. As a result, one potential solution is an alternate source of water. Second, she noted that the Town of Ransom Canyon is a mile away and water could be piped-in to the Facility. This is one option that Respondents are considering. Third, a properly installed and operated RO system will remove inorganic contaminants from the water supply. If, however, the RO system is incorrectly installed or operated it may not remove contaminants as intended. Ms. Diehl testified that, with regard to the Facility, RO systems would have to be installed at all potential sources of water for human consumption. While the Facility does have one dedicated RO tap with an RO unit installed, other non-dedicated sources of water still exist.

D. Analysis

Although Respondents raised a number of issues in this matter, this case boils down to a very simple set of facts. From May 7, 2007, through April 20, 2011, TCEQ staff documented fifteen separate quarterly instances where the Facility's drinking water exceeded the MCL for nitrate.¹² Each of these instances was a clear violation of 30 TAC § 290.106(f)(2). Nothing the Respondents presented at hearing changes these facts – Respondents admitted they had no quarterly samples that contradicted the ED's evidence regarding the violations at issue.

While Respondents' provision of alternative water source and notices is evidence of good faith attempts at compliance, providing them did not absolve Respondents of the duty to maintain a water system that complied with nitrate limits. Mr. Menaldi testified that he misunderstood the notices of violation and thought the Facility was in compliance. At hearing

¹² ED Ex. 1 at 13, ED Ex. 11, ED Ex. 13, and ED Ex. 15. ED Ex. 11 summarizes all violations, excepting the third quarter of 2010, during which Respondents did not violate 30 TAC § 290.106(f)(2).

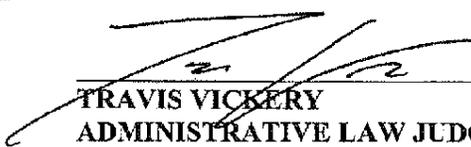
and in discovery responses, however, Mr. Menaldi admitted that he and his wife received the NOV's and he even contacted the TCEQ to discuss the NOV's. The ALJ finds that the NOV's speak for themselves. In each NOV, the language was clear that, for the quarter in question, the Facility's nitrate levels exceeded the legal limit.

With the exception of claiming good faith efforts at compliance, the Respondents did not directly challenge the calculation of the penalty in this case. As evidence of good faith efforts, Respondents pointed out that they have been providing quarterly reports, public notices, bottled water, and seeking to obtain water from a local pipeline. While the ALJ acknowledges these efforts, they do not absolve Respondents of the underlying violation of higher than permitted nitrate levels in the Facility's water for what is now a significant period of time. Furthermore, Mr. Thompson testified that, under the Penalty Policy, in order to be entitled to a good faith reduction in the penalty, compliance must have been achieved before the TCEQ sent the NOE or before the Commission extended a settlement offer to Respondents. That has not happened here, because the settlement offer was extended in 2007 and the bulk of the violations in this case came afterwards. As a result, the good faith reduction is not available to Respondents.

III. CONCLUSION

In conclusion, the ALJ recommends the Commission assess an administrative penalty of \$2,550.00 and require Respondents to bring the Facility's water nitrate levels within the legal limits within 180 days of the Commission's order in this case

SIGNED November 20, 2012



TRAVIS VICKERY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN ORDER Assessing Administrative Penalties and Requiring Corrective Action
Against Joe Menaldi d/b/a Ransom Canyon Center and
Joseph Adam Corporation d/b/a Ransom Canyon Center
TCEQ DOCKET NO. 2009-0890-PWS-E
SOAH DOCKET NO. 582-11-9499**

On _____, the Texas Commission on Environmental Quality (Commission or TCEQ) considered the Executive Director's Second Amended Report and Petition (EDSARP) recommending that the Commission enter an enforcement order assessing administrative penalties and requiring corrective action against Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center (Respondents). Travis Vickery, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH), conducted a public hearing on this matter on August 14, 2012, in Austin, Texas, and presented the Proposal for Decision.

The following are parties to the proceeding: Respondents, the Commission's Executive Director (ED), and the Office of Public Interest Counsel.

After considering the ALJ's Proposal for Decision, the Commission makes the following Findings of Fact and Conclusions of Law.

I. FINDINGS OF FACT

1. Respondents own and operate a public water system located at 8312 East Farm-To-Market Road 3523 in Ransom Canyon, Lubbock County, Texas (Facility).
2. During record reviews conducted for the Facility from May 7, 2007, through April 20, 2011, Christine Taylor and Debra Cerda, former TCEQ staff members in the Public Drinking Water Section, Public Water Supply Division, documented that Respondents had violated 30 Tex. Admin. Code § 290.106(f)(2) on fifteen occasions, by failing to comply with the maximum contaminant level (MCL) for nitrate of 10 milligrams per liter (mg/L). It was documented

that Respondents exceeded the MCL for nitrate during the first quarter of 2007 through the second quarter of 2010 and the fourth quarter of 2010.

3. The ED issued fourteen Notices of Violation (NOVs) documenting the violation for MCL nitrate exceedences during the first quarter of 2007 through the second quarter of 2010 and the fourth quarter of 2010.
4. On May 14, 2007, Joe Menaldi d/b/a Ransom Canyon Center received NOVs for failing to comply with the MCL for nitrate of 10 mg/L for the first and second quarters of 2007.
5. On June 20, 2011, Joe Menaldi d/b/a Ransom Canyon Center received NOVs for failing to comply with the MCL for nitrate of 10 mg/L for the third quarter of 2007 through the second quarter of 2010 and the fourth quarter of 2010.
6. On June 10, 2012, Joseph Adam Corporation d/b/a Ransom Canyon Center received notice of the violation for failing to comply with the MCL for nitrate of 10 mg/L for the first quarter of 2007 through the second quarter of 2010 and the fourth quarter of 2010.
7. On May 9, 2007, the ED issued a Notice of Enforcement (NOE).
8. On May 12, 2007, Joe Menaldi d/b/a Ransom Canyon Center received the NOE.
9. On August 14, 2012, Joseph Adam Corporation d/b/a Ransom Canyon Center received a copy of the NOE at the hearing on the merits, conducted at SOAH.
10. On June 17, 2011, the ED sent the ED's Preliminary Report and Petition (EDPRP) to Joe Menaldi d/b/a Ransom Canyon Center, which he received on or about June 20, 2011.
11. On June 27, 2011, Joe Menaldi filed an answer to the EDPRP.
12. On August 19, 2011, the ED requested the TCEQ Chief Clerk to refer the enforcement action to SOAH.
13. On August 31, 2011, the Commission issued a notice of preliminary hearing in this matter, which Joe Menaldi d/b/a Ransom Canyon Center received on or about September 3, 2011. The notice of the preliminary hearing indicated the time, date, place, and nature of the hearing; stated the legal authority and jurisdiction for the hearing; indicated the rule the ED alleged Joe Menaldi d/b/a Ransom Canyon Center violated; referred to the EDPRP, which was attached and stated the facts asserted by the ED; and requested an administrative penalty and corrective actions.
14. On October 6, 2011, a telephonic preliminary hearing was conducted at the request of the ED and Joe Menaldi d/b/a Ransom Canyon Center. At the hearing, jurisdiction was established.

15. On October 11, 2011, SOAH Administrative Law Judge (ALJ), Travis Vickery, issued Order No. 3, setting the hearing on the merits for May 4, 2012.
16. On December 13, 2011, the ED sent the ED's First Amended Report and Petition (EDFARP) to Joe Menaldi d/b/a Ransom Canyon Center, which was received on or about December 16, 2011.
17. On May 2, 2012, the ED filed his Unopposed Motion for Continuance.
18. On May 5, 2012, the SOAH ALJ issued Order No. 4, re-setting the hearing on the merits for August 14, 2012.
19. On June 7, 2012, the ED sent the ED's Second Amended Report and Petition (EDSARP) to Respondents, Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center, which they received on or about June 10, 2012.
20. On June 26, 2012, Respondents filed an answer to the EDSARP.
21. The hearing on the merits was held on August 14, 2012, before ALJ Travis Vickery. The ED appeared and was represented by Kari L. Gilbreth, attorney. Respondents appeared in person and represented themselves. The record closed the same day.
22. Respondents failed to comply with the MCL for nitrate of 10 mg/L by exceeding the MCL for nitrate during the first quarter of 2007 through the second quarter of 2010 and the fourth quarter of 2010.
23. Respondents have not demonstrated compliance with the corrective action ordering provisions set forth in the EDSARP.
24. The ED calculated an administrative penalty of two thousand five hundred fifty dollars (\$2,550.00) pursuant to the Commission's 2002 Penalty Policy.

II. CONCLUSIONS OF LAW

1. Under Tex. Water Code § 7.051, the Commission may assess an administrative penalty against any person who violates a provision of the Texas Water Code or of the Texas Health and Safety Code within the Commission's jurisdiction or of any rule, order, or permit adopted or issued thereunder.
2. Under Tex. Water Code § 7.052, a penalty may not exceed \$10,000.00 per violation, per day for the violations alleged in this proceeding.
3. In addition to imposing an administrative penalty, the Commission may order the violator to take corrective action, as provided by Tex. Water Code § 7.073.

4. As required by Tex. Water Code § 7.055 and 30 Tex. Admin. Code §§ 1.11 and 70.104, Respondents were notified of the EDSARP and of the opportunity to request a hearing on the alleged violations and the proposed penalties and corrective actions.
5. As required by Tex. Gov't Code §§ 2001.051(1) and 2001.052; Tex. Water Code § 7.058; 1 Tex. Admin. Code § 155.401; and 30 Tex. Admin. Code §§ 1.11, 1.12, 39.25, 70.104, and 80.6, Respondents were notified of the hearing on the alleged violations and the proposed penalty and corrective action.
6. SOAH has jurisdiction over matters related to the hearing in this matter, including the authority to issue a Proposal for Decision with Findings of Fact and Conclusions of Law, pursuant to Tex. Gov't Code ch. 2003.
7. Based on the above Findings of Fact and Conclusions of Law, Respondents violated 30 Tex. Admin. Code § 290.106(f)(2).
8. The Commission has adopted a Penalty Policy setting forth its policy regarding the computation and assessment of administrative penalties, effective September 1, 2002.
9. In determining the amount of an administrative penalty, Tex. Water Code § 7.053 requires the Commission to consider several factors regarding the violations, including:
 - Its impact or potential impact on public health and safety, natural resources, and their uses, and other persons;
 - the nature, circumstances, extent, duration, and gravity of the prohibited act;
 - the history and extent of previous violations by the violator;
 - the violator's degree of culpability, good faith, and economic benefit gained through the violations;
 - the amount necessary to deter future violations; and
 - any other matters that justice may require.
10. Based on the above Findings of Fact, the factors set out in Tex. Water Code § 7.053, and the Commission's Penalty Policy, the ED correctly calculated the penalties for the alleged violation and a total administrative penalty of \$2,550.00 is justified and should be assessed against Respondents.
11. Based on the above Findings of Fact, Respondents should be required to take the corrective action that the ED recommends.

III. ORDERING PROVISIONS

NOW, THEREFORE, IT IS ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT:

1. Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center are assessed an administrative penalty in the amount of \$2,550.00 for their violation of 30 Tex. Admin. Code § 290.106(f)(2).
2. Within 30 days after the effective date of this Order, Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center shall pay an administrative penalty in the amount of \$2,550.00 for their violation of 30 Tex. Admin. Code § 290.106(f)(2). The payment of this administrative penalty and compliance with all the terms and conditions set forth in this Order will completely resolve the violation set forth by this Order. However, the Commission shall not be constrained in any manner from requiring corrective actions or assessing penalties for other violations that are not raised here. Checks rendered to pay penalties imposed by this Order shall be made to "TCEQ." Administrative penalty payments shall be sent with the notation "Re: Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center; TCEQ Docket No. 2009-0890-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. Within 180 days after the effective date of this Order, Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center shall comply with the MCL for nitrate, in accordance with 30 Tex. Admin. Code § 290.106; and
4. Within 195 days after the effective date of this Order, Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center shall submit written certification and detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provisions Nos. 2 and 3. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for

submitting false information, including the possibility of fine and imprisonment for knowing violations.”

5. Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

with a copy to:

Mr. Gary Shipp, Water Section Manager
Texas Commission on Environmental Quality
Lubbock Regional Office
5012 50th St., Ste. 100
Lubbock, Texas 79414-3426

and:

Elston Johnson, Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

6. The ED may refer this matter to the Office of the Attorney General of the State of Texas (OAG) for further enforcement proceedings without notice to Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center if the Executive Director determines that Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center have not complied with one or more of the terms or conditions in this Order.
7. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.
8. The effective date of this Order is the date the Order is final, as provided by 30 Tex. Admin. Code § 80.273 and Tex. Gov't. Code § 2001.144.

9. As required by Tex. Water Code § 7.059, the Commission's Chief Clerk shall forward a copy of this Order to Joe Menaldi d/b/a Ransom Canyon Center and Joseph Adam Corporation d/b/a Ransom Canyon Center.
10. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.

ISSUED:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D., Chairman
For the Commission