

Gypsy River LLC, Jeromy Foy dba Gypsy River LLC and Tiffany Klinefelter dba Gypsy River LLC
 RN102319399
 Docket No. 2019-0510-PWS-E

Order Type:
 Default Order

Media:
 PWS

Small Business:
 Yes

Location(s) Where Violation(s) Occurred:
 8690 River Road, New Braunfels, Comal County

Type of Operation:
 Public Water System

Other Significant Matters:

Additional Pending Enforcement Actions: None
 Past-Due Penalties: None
 Past-Due Fees: \$105
 Other: None
 Interested Third Parties: None

Texas Register Publication Date: March 11, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed: \$4,047

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$4,047

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: July 2, 2018 through August 31, 2018; January 14, 2019 through January 18, 2019; and March 18, 2019 through March 29, 2019

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

Date(s) of NOE(s): August 31, 2018; January 18, 2019

Gypsy River LLC, Jeromy Foy dba Gypsy River LLC and Tiffany Klinefelter dba Gypsy River LLC
RN102319399
Docket No. 2019-0510-PWS-E

Violation Information

1. Failed to provide a minimum treatment consisting of coagulation with direct filtration for groundwater under the influence of surface water (“GUI”) [30 TEX. ADMIN. CODE §§ 290.42(c)(1) and 290.111(a)(2)].
2. Failed to issue public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to provide minimum treatment [30 TEX. ADMIN. CODE § 290.122(b)(2)(B) and (f)].
3. Failed to submit Surface Water Monthly Operating Reports (“SWMORs”) for the systems that use GUI [30 TEX. ADMIN. CODE §§ 290.110(e)(2) and (e)(6) and 290.111(h)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

As of August 3, 2021, Respondents issued public notification and submitted a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to provide minimum treatment for the months of April 2018 through August 2018, in accordance with 30 TEX. ADMIN. CODE § 290.122.

Technical Requirements:

1. Within 180 days, install minimum treatment equipment consisting of coagulation with direct filtration and adequate disinfection for GUI at the Facility's treatment plant (TP2515).
2. Within 195 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirements No. 1.
3. Within 225 days:
 - a. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified SWMOR; and
 - b. Begin submitting complete and accurate SWMORs with the required turbidity and disinfection residual data to the Executive Director by the tenth day of the month following the end of each reporting period.
4. Within 240 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirements No. 3.a.
5. Within 420 days, submit written certification to demonstrate compliance with Technical Requirements No. 3.b.

Litigation Information

Date Petition(s) Filed:	April 1, 2020; November 8, 2021; January 11, 2022
Date Green Card(s) Signed:	April 3, 2020;
Date Answer(s) Filed:	April 3, 2020
SOAH Referral Date:	January 15, 2021
Hearing Date(s):	
Preliminary hearing:	March 25, 2021
Evidentiary hearing:	January 27, 2022 (Defaulted)

Gypsy River LLC, Jeromy Foy dba Gypsy River LLC and Tiffany Klinefelter dba Gypsy River LLC
RN102319399
Docket No. 2019-0510-PWS-E

Contact Information

TCEQ Attorneys: William Hogan, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Steven Hall, Enforcement, (512) 339-2929

TCEQ Regional Contact: Joy Thurston-Cook, San Antonio Regional Office, (210) 403-4018

Respondent Contact: Jeromy Foy, Managing Member, Gypsy River LLC, 2662 Wilderness Way, New Braunfels, Texas 78132-3643

Respondent Contact: Tiffany Klinefelter, Registered Agent, Gypsy River LLC, 8680 River Road, New Braunfels, Texas 78132

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	1-Apr-2019	Screening	5-Apr-2019	EPA Due	30-Sep-2018
	PCW	5-Apr-2019				

RESPONDENT/FACILITY INFORMATION	
Respondent	Gypsy River LLC, Jeromy Foy dba Gypsy River LLC, and Tiffany Klinefelter dba Gypsy River LLC
Reg. Ent. Ref. No.	RN102319399
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	57533	No. of Violations	1
Docket No.	2019-0510-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Hall
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,250
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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	32.0% Adjustment	Subtotals 2, 3, & 7	\$720
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Notes	Enhancement for six NOVs with the same/similar violations and one NOV with dissimilar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondents do not meet the culpability criteria.
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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	\$2,779	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$6,167	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,970
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OTHER FACTORS AS JUSTICE MAY REQUIRE	36.3%	Adjustment	\$1,077
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 1.
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Final Penalty Amount	\$4,047
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,047
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$4,047
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Screening Date 5-Apr-2019

Docket No. 2019-0510-PWS-E

PCW

Respondent Case ID No.
Gypsy River LLC, Jeromy Foy dba Gypsy River LLC, and Tiffany Klinefelter dba Gypsy River LLC
57533

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

Reg. Ent. Reference No. RN102319399

Media Public Water Supply

Enf. Coordinator Steven Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	6	30%
	Other written NOVs	1	2%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 32%

>> 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

Enhancement for six NOVs with the same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 32%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 32%

Screening Date 5-Apr-2019

Docket No. 2019-0510-PWS-E

PCW

Respondent Klinefelter dba Gypsy River LLC
Case ID No. 57533
Reg. Ent. Reference No. RN102319399

Gypsy River LLC, Jeromy Foy dba Gypsy River LLC, and Tiffany

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

Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.42(c)(1), 290.110(e)(2) and (e)(6), 290.111(a)(2) and (h), and 290.122(b)(2)(B) and (f)

Violation Description Failed to provide a minimum treatment consisting of coagulation with direct filtration for groundwater under the influence of surface water ("GUI") at the Facility's treatment plant (TP2515), failed to issue public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to provide minimum treatment for the months of April 2018 through August 2018, and failed to submit Surface Water Monthly Operating Reports ("SWMORs") for systems that use GUI.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to provide minimum treatment, public notification, and SWMORs could result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 15 1358 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Fifteen quarterly events are recommended, from the date Gypsy River LLC became owner and operator of the Facility, July 17, 2015, to the date of screening, April 5, 2019.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,779

Violation Final Penalty Total \$4,047

This violation Final Assessed Penalty (adjusted for limits) \$4,047

Economic Benefit Worksheet

Respondent Gypsy River LLC, Jeromy Foy dba Gypsy River LLC, and Tiffany Klinefelter dba Gypsy River LLC
Case ID No. 57533
Reg. Ent. Reference No. RN102319399
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$5,000	17-Jul-2015	30-Mar-2020	4.71	\$78	\$1,569	\$1,647
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)	\$185	10-Sep-2015	3-Aug-2021	5.90	\$55	n/a	\$55

Notes for DELAYED costs

The equipment delayed costs include the estimated amount to install minimum treatment equipment of coagulation with direct filtration and adequate disinfection at the Facility's treatment plant (TP2515), calculated from the from the date Gypsy River LLC became owner and operator of the Facility to the estimated date of compliance.

The other (as needed) delayed costs include the estimated amount to ensure that the delinquent public notifications (\$5 per notification x five notifications) are issued to persons served by the Facility and a copy of the notification, accompanied with a signed Certificate of Delivery, is provided to the Executive Director, calculated from the date the earliest notification was due to the date of compliance.

Avoided Costs

ANNUALIZE 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	\$264	17-Jul-2015	5-Apr-2019	3.72	\$95	\$982	\$1,077
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to submit SWMORs (\$22 per report, annualized), calculated from the date Gypsy River LLC became owner and operator of the Facility to the date of screening.

Approx. Cost of Compliance

\$6,167

TOTAL

\$2,779

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Compliance History Report

Compliance History Report for CN605115229, RN102319399, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN605115229, GYPSY RIVER LLC	Classification: NOT APPLICABLE	Rating: N/A
Regulated Entity:	RN102319399, GYPSY RIVER RESORT	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	8690 RIVER ROAD IN NEW BRAUNFELS, COMAL COUNTY, TEXAS		
TCEQ Region:	REGION 13 - SAN ANTONIO		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0460189		
Compliance History Period:	September 01, 2014 to August 31, 2019	Rating Year: 2019	Rating Date: 09/01/2019
Date Compliance History Report Prepared:	January 10, 2022		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	September 20, 2014 to September 19, 2019		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Steven T. Hall	Phone:	(512) 239-2569

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? YES
- 3) Who is the current owner/operator? GYPSY RIVER LLC OWNER since 7/17/2015
KLINEFELTER, TIFFANY OWNER since 5/21/2018
FOY, JEROMY OWNER since 5/21/2018
- 4) Who was/were the prior owner(s)/operator(s)? RAINBOW CAMP, LLC, OWNER, 6/13/2011 to 7/16/2015

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.):

Item 1 June 11, 2018 (1489877)

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: 10/02/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)

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

Description: SWTR Non-acute TT Violation 08/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 deadline stated in GUI/enhanced treatment letter at Plant 8690 River Rd (TP2515).

- 2 Date: 10/03/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 08/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).
- 3 Date: 10/12/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: AUG/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 08/2018.
- 4 Date: 11/06/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 09/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).
- 5 Date: 11/19/2018 (1539296)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: DEC/2017 RTRC TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 10/2017.
- 6 Date: 11/19/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: JUL/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 07/2018.
- 7 Date: 12/11/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 09/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 deadline stated in GUI/enhanced treatment letter at Plant 8690 River Rd (TP2515).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

Compliance History Report for CN605530666, RN102319399, Rating Year 2019 which includes Compliance History (CH) components from September 20, 2014, through September 19, 2019.

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

Component Appendices**Appendix A****All NOV's Issued During Component Period 9/20/2014 and 9/19/2019**

- 1 Date: 06/26/2017 (1458961)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: NO3 MR PN 3Q2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the quarterly monitoring period from 07/01/2016 to 09/30/2016.
- 2 Date: 08/16/2017 (1458961)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: JUL/2016 RTCR 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 pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 07/2016.
- 3 Date: 08/31/2017 (1435801)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
 Description: Failure to provide the water system with a distribution map.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
 Description: Failure to have the well meter calibrated or replaced once every three years.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure to maintain the water system in a water-tight condition.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)
 Description: Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the public water system until the Facility is decommissioned. Specifically, descriptions of the Facility's equipment and layout were inadequate and the incorrect Facility name was used.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(c)(1)(A)(i)
 Description: Failed to provide a well capacity of 1.0 gallon per minute ("gpm") per unit. Specifically, with 37 units, the Facility is required to provide 37 gpm in well capacity. However, only 27 gpm were provided, indicating a 27% deficiency.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
 Description: Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(I)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(I)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)
 Description: Failed to properly maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. Specifically, records of the amount of each chemical used each day, the amount of water treated and distributed each day, the disinfectant residual monitoring results from the distribution system, and the results of microbiological analyses were not available for review.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 30 TAC Chapter 290, SubChapter F 290.121(b)
 Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to

comply with the monitoring requirements.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 Description: Failure to provide a plant operations manual.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 Description: Failure to conduct/record annual tank inspections.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
 Description: Failure to provide adequate disinfection.

4 Date: 11/17/2017 (1458961)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: OCT/2016 RTCR 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 pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 10/2016.

5 Date: 11/28/2017 (1458961)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)
 30 TAC Chapter 290, SubChapter F 290.109(c)(3)
 30 TAC Chapter 290, SubChapter F 290.109(g)(14)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(2)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)
 Description: RTCR L2 Violation 06/2017 - Failure to complete a Level 2 Assessment or provide an adequate Level 2 Assessment after it was triggered during the monitoring period 05/2017.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)
 30 TAC Chapter 290, SubChapter F 290.109(c)(3)
 30 TAC Chapter 290, SubChapter F 290.109(g)(14)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)
 Description: RTCR L1 Violation 02/2017 - Failure to complete a Level 1 Assessment or provide an adequate Level 1 Assessment after it was triggered during the monitoring period 01/2017.

6 Date: 06/20/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 03/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

7 Date: 06/27/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 04/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 at Plant 8690 River Road (TP2515).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 30 TAC Chapter 290, SubChapter F 290.111(a)(2)
 30 TAC Chapter 290, SubChapter F 290.111(h)
 Description: SWTR Non-acute TT Violation 04/2018 - Filtration was required on the system's water source by 04/08/2012. The PWS failed to install filtration by this deadline at Plant 8690 River Road (TP2515).

- 8 Date: 06/28/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 04/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 9 Date: 07/09/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 05/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 01/06/2014 at Plant 8690 River Road (TP2515).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: APR/2018 SWTR TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for failure to install filtration during the month of 04/2018.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: APR/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 04/2018.
- 10 Date: 07/18/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: MAY/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 05/2018.
- 11 Date: 07/24/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 05/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 12 Date: 07/26/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: JUL/2017 RTCR TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 05/2017.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: FEB/2017 RTRC TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 01/2017.

- 13 Date: 07/26/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: MAR/2017 RTRC 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 pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 03/2017.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: DEC/2016 RTRC 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 pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 12/2016.

- 14 Date: 08/14/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 06/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 at Plant-8690 River Road (TP2515).

- 15 Date: 08/21/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 06/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).

- 16 Date: 08/28/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 05/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 04/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).

- 17 Date: 08/30/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)

Description: JUN/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 06/2018.

- 18* Date: 09/12/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 07/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).
- 19* Date: 09/12/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 07/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 deadline stated in GUI/enhanced treatment letter at Plant 8690 River Rd (TP2515).
- 20* Date: 10/02/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 08/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 deadline stated in GUI/enhanced treatment letter at Plant 8690 River Rd (TP2515).
- 21* Date: 10/03/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 08/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).
- 22* Date: 10/12/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: AUG/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 08/2018.
- 23* Date: 11/06/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 09/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).
- 24* Date: 11/19/2018 (1539296)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: DEC/2017 RTRC TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice

was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 10/2017.

25* Date: 11/19/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: JUL/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 07/2018.

26* Date: 12/11/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 09/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 deadline stated in GUI/enhanced treatment letter at Plant 8690 River Rd (TP2515).

* NOVs applicable for the Compliance History rating period 9/1/2014 to 8/31/2019

Appendix B

All Investigations Conducted During Component Period September 20, 2014 and September 19, 2019

Item 1	August 30, 2017**	(1435801)
Item 2	December 12, 2017**	(1458961)
Item 3	December 15, 2017**	(1459193)
Item 4	February 12, 2018**	(1465794)
Item 5*	June 11, 2018**	(1489877)
Item 6	June 21, 2018**	(1479756)
Item 7	August 30, 2018**	(1504969)
Item 8	August 31, 2018**	(1512878)
Item 9	November 19, 2018**	(1530593)
Item 10	January 17, 2019**	(1539296)
Item 11	January 18, 2019**	(1530774)
Item 12	March 29, 2019**	(1553731)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

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Compliance History Report

Compliance History Report for CN605530674, RN102319399, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN605530674, KLINEFELTER, TIFFANY	Classification: NOT APPLICABLE	Rating: N/A
Regulated Entity:	RN102319399, GYPSY RIVER RESORT	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	8690 RIVER ROAD IN NEW BRAUNFELS, COMAL COUNTY, TEXAS		
TCEQ Region:	REGION 13 - SAN ANTONIO		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0460189		
Compliance History Period:	September 01, 2014 to August 31, 2019	Rating Year: 2019	Rating Date: 09/01/2019
Date Compliance History Report Prepared:	January 10, 2022		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	September 20, 2014 to September 19, 2019		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Steven T. Hall	Phone:	(512) 239-2569

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? YES
- 3) Who is the current owner/operator? GYPSY RIVER LLC OWNER since 7/17/2015
KLINEFELTER, TIFFANY OWNER since 5/21/2018
FOY, JEROMY OWNER since 5/21/2018
- 4) Who was/were the prior owner(s)/operator(s)? RAINBOW CAMP, LLC, OWNER, 6/13/2011 to 7/16/2015

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.):

Item 1 June 11, 2018 (1489877)

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: 10/02/2018 (1553731)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)

Description: SWTR Non-acute TT Violation 08/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 deadline stated in GUI/enhanced treatment letter at Plant 8690 River Rd (TP2515).

- 2 Date: 10/03/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 08/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).
- 3 Date: 10/12/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: AUG/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 08/2018.
- 4 Date: 11/06/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 09/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).
- 5 Date: 11/19/2018 (1539296)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: DEC/2017 RTRC TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 10/2017.
- 6 Date: 11/19/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: JUL/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 07/2018.
- 7 Date: 12/11/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 09/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 deadline stated in GUI/enhanced treatment letter at Plant 8690 River Rd (TP2515).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

Compliance History Report for CN605530674, RN102319399, Rating Year 2019 which includes Compliance History (CH) components from September 20, 2014, through September 19, 2019.

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

Component Appendices**Appendix A****All NOV's Issued During Component Period 9/20/2014 and 9/19/2019**

- 1 Date: 06/26/2017 (1458961)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: NO3 MR PN 3Q2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the quarterly monitoring period from 07/01/2016 to 09/30/2016.
- 2 Date: 08/16/2017 (1458961)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: JUL/2016 RTCR 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 pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 07/2016.
- 3 Date: 08/31/2017 (1435801)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
 Description: Failure to provide the water system with a distribution map.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
 Description: Failure to have the well meter calibrated or replaced once every three years.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure to maintain the water system in a water-tight condition.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)
 Description: Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the public water system until the Facility is decommissioned. Specifically, descriptions of the Facility's equipment and layout were inadequate and the incorrect Facility name was used.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(c)(1)(A)(i)
 Description: Failed to provide a well capacity of 1.0 gallon per minute ("gpm") per unit. Specifically, with 37 units, the Facility is required to provide 37 gpm in well capacity. However, only 27 gpm were provided, indicating a 27% deficiency.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
 Description: Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(I)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(I)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)
 Description: Failed to properly maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. Specifically, records of the amount of each chemical used each day, the amount of water treated and distributed each day, the disinfectant residual monitoring results from the distribution system, and the results of microbiological analyses were not available for review.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 30 TAC Chapter 290, SubChapter F 290.121(b)
 Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to

comply with the monitoring requirements.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 Description: Failure to provide a plant operations manual.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 Description: Failure to conduct/record annual tank inspections.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
 Description: Failure to provide adequate disinfection.

4 Date: 11/17/2017 (1458961)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: OCT/2016 RTCR 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 pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 10/2016.

5 Date: 11/28/2017 (1458961)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)
 30 TAC Chapter 290, SubChapter F 290.109(c)(3)
 30 TAC Chapter 290, SubChapter F 290.109(g)(14)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(2)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)
 Description: RTCR L2 Violation 06/2017 - Failure to complete a Level 2 Assessment or provide an adequate Level 2 Assessment after it was triggered during the monitoring period 05/2017.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)
 30 TAC Chapter 290, SubChapter F 290.109(c)(3)
 30 TAC Chapter 290, SubChapter F 290.109(g)(14)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)
 Description: RTCR L1 Violation 02/2017 - Failure to complete a Level 1 Assessment or provide an adequate Level 1 Assessment after it was triggered during the monitoring period 01/2017.

6 Date: 06/20/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 03/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

7 Date: 06/27/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 04/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 at Plant 8690 River Road (TP2515).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 30 TAC Chapter 290, SubChapter F 290.111(a)(2)
 30 TAC Chapter 290, SubChapter F 290.111(h)
 Description: SWTR Non-acute TT Violation 04/2018 - Filtration was required on the system's water source by 04/08/2012. The PWS failed to install filtration by this deadline at Plant 8690 River Road (TP2515).

- 8 Date: 06/28/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 04/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 9 Date: 07/09/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 05/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 01/06/2014 at Plant 8690 River Road (TP2515).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: APR/2018 SWTR TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for failure to install filtration during the month of 04/2018.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: APR/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 04/2018.
- 10 Date: 07/18/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: MAY/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 05/2018.
- 11 Date: 07/24/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 05/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 12 Date: 07/26/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: JUL/2017 RTCR TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 05/2017.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: FEB/2017 RTRC TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 01/2017.

- 13 Date: 07/26/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: MAR/2017 RTRC 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 pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 03/2017.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: DEC/2016 RTRC 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 pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 12/2016.

- 14 Date: 08/14/2018 (1504969)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 06/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 at Plant-8690 River Road (TP2515).

- 15 Date: 08/21/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 06/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).

- 16 Date: 08/28/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 05/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 04/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).

- 17 Date: 08/30/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)

Description: JUN/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 06/2018.

18* Date: 09/12/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 07/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).

19* Date: 09/12/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 07/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 deadline stated in GUI/enhanced treatment letter at Plant 8690 River Rd (TP2515).

20* Date: 10/02/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 08/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 deadline stated in GUI/enhanced treatment letter at Plant 8690 River Rd (TP2515).

21* Date: 10/03/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 08/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).

22* Date: 10/12/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: AUG/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 08/2018.

23* Date: 11/06/2018 (1530593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 09/2018 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Plant (TP2515).

24* Date: 11/19/2018 (1539296)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
 Description: DEC/2017 RTRC TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice

was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to adequately complete a Level 2 assessment after it was triggered during the month of 10/2017.

25* Date: 11/19/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: JUL/2018 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 07/2018.

26* Date: 12/11/2018 (1553731)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
 Description: SWTR Non-acute TT Violation 09/2018 - Failure to install and properly operate water treatment processes which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium oocysts by 04/08/2012 deadline stated in GUI/enhanced treatment letter at Plant 8690 River Rd (TP2515).

* NOVs applicable for the Compliance History rating period 9/1/2014 to 8/31/2019

Appendix B

All Investigations Conducted During Component Period September 20, 2014 and September 19, 2019

Item 1	August 30, 2017**	(1435801)
Item 2	December 12, 2017**	(1458961)
Item 3	December 15, 2017**	(1459193)
Item 4	February 12, 2018**	(1465794)
Item 5*	June 11, 2018**	(1489877)
Item 6	June 21, 2018**	(1479756)
Item 7	August 30, 2018**	(1504969)
Item 8	August 31, 2018**	(1512878)
Item 9	November 19, 2018**	(1530593)
Item 10	January 17, 2019**	(1539296)
Item 11	January 18, 2019**	(1530774)
Item 12	March 29, 2019**	(1553731)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GYPSY RIVER LLC, JEROMY FOY
DBA GYPSY RIVER LLC AND
TIFFANY KLINEFELTER DBA
GYPSY RIVER LLC;
RN102319399**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2019-0510-PWS-E

On _____, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Second Amended 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 and corrective action of the respondents. The respondents made the subject of this Order are Gypsy River LLC, Jeromy Foy dba Gypsy River LLC and Tiffany Klinefelter dba Gypsy River LLC (“Respondents”).

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

FINDINGS OF FACT

1. Respondents own and operate a transient, non-community public water system located at 8690 River Road, New Braunfels, Comal County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 37 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(71).
2. During three record review investigations conducted on July 2, 2018 through August 31, 2018, January 14, 2019 through January 18, 2019, and March 18, 2019 through March 29, 2019, investigators documented that Respondents:
 - a. Failed to provide a minimum treatment consisting of coagulation with direct filtration for groundwater under the influence of surface water (“GUI”) at the Facility’s treatment plant (TP2515);
 - b. Failed to issue public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to provide minimum treatment for the months of April 2018 through August 2018; and
 - c. Failed to submit Surface Water Monthly Operating Reports (“SWMORs”) for the systems that use GUI.
3. The Executive Director recognizes that as of August 3, 2021, Respondents issued public notification and submitted a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to provide minimum treatment for the months of April 2018 through August 2018, in accordance with 30 TEX. ADMIN. CODE § 290.122.
4. The Executive Director filed the “Executive Director’s Second Amended 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 Gypsy River LLC, Jeromy Foy dba Gypsy River LLC and Tiffany Klinefelter dba Gypsy River LLC” (the “EDSARP”) in the TCEQ Chief Clerk’s office on January 11, 2022.
5. Respondents filed an answer requesting a hearing on April 3, 2020, and the matter was referred to the State Office of Administrative Hearings (“SOAH”) on January 15, 2021.
 6. On October 4, 2021, the Administrative Law Judge (“ALJ”) issued Order No. 4, which set the evidentiary hearing for January 27, 2022. The SOAH docket clerk served a copy of Order No. 4 to Respondents via electronic mail at Respondents’ last known email addresses, per parties’ agreement to accept electronic service.
 7. On January 27, 2022, the ALJ convened the evidentiary hearing. Respondents failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondents were served with proper notice of the hearing and the matter be dismissed from the SOAH Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.
 8. On February 2, 2022, the ALJ entered a finding that Respondents were served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 5 so that TCEQ may dispose of this case on a default basis.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are 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.a., Respondents failed to provide a minimum treatment consisting of coagulation with direct filtration for GUI, in violation of 30 TEX. ADMIN. CODE §§ 290.42(c)(1) and 290.111(a)(2).
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to issue public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to provide minimum treatment, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(2)(B) and (f).
4. As evidenced by Finding of Fact No. 2.c., Respondents failed to submit SWMORs for the systems that use GUI, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(2) and (e)(6) and 290.111(h).
5. As evidenced by Finding of Fact No. 5, Respondents filed an answer requesting a hearing as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to TEX. HEALTH & SAFETY CODE § 341.049(f) and 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(d) and 30 TEX. ADMIN. CODE § 70.109.
6. As evidenced by Finding of Fact No. 6, each Respondent was provided proper notice of the evidentiary hearing in accordance with TEX. GOV’T CODE §§ 2001.051(1) and 2001.052, TEX. HEALTH & SAFETY CODE § 341.049, 1 TEX. ADMIN. CODE §§ 155.105(b), 155.401, and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.23, 39.25, 39.405, 39.413, 39.423, 39.425 and 80.6.
7. As evidenced by Findings of Fact Nos. 7 and 8, Respondents failed to appear for the evidentiary hearing, and pursuant to TEX. GOV’T CODE § 2001.056(4) and 1 TEX. ADMIN. CODE § 155.501(e), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondents and assess the penalty recommended by the Executive Director pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106(b).
8. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the Commission has the authority to assess an administrative penalty against Respondents 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.

9. An administrative penalty in the amount of four thousand forty-seven dollars (\$4,047.00) 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(b).
10. 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. Respondents are assessed an administrative penalty in the amount of four thousand forty-seven dollars (\$4,047.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondents' 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: Gypsy River LLC, Jeromy Foy dba Gypsy River LLC and Tiffany Klinefelter dba Gypsy River LLC; Docket No. 2019-0510-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. Respondents shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Order, install minimum treatment equipment consisting of coagulation with direct filtration and adequate disinfection for GUI at the Facility's treatment plant (TP2515), in accordance with 30 TEX. ADMIN. CODE §§ 290.42 and 290.111.
 - b. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
 - c. Within 225 days after the effective date of this Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified SWMORs, in accordance with 30 TEX. ADMIN. CODE §§ 290.110 and 290.111; and
 - ii. Begin submitting complete and accurate SWMORs with the required turbidity and disinfection residual data to the Executive Director by the tenth day of the month following the end of each reporting period, in accordance with 30 TEX. ADMIN. CODE §§ 290.110 and 290.111. This provision will be satisfied upon six consecutive months of compliant reporting. The SWMORs shall be submitted to:

SWMOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Within 240 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.i.
- e. Within 420 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f. below, to demonstrate compliance with Ordering Provision No. 3.c.ii.
- f. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondents, and shall 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.”

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Drinking Water Special Functions Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

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 Respondents have 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF WILLIAM HOGAN

“On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Second Amended 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 Gypsy River LLC, Jeromy Foy dba Gypsy River LLC and Tiffany Klinefelter dba Gypsy River LLC” (the “EDSARP”) was filed in the TCEQ Chief Clerk’s office on January 11, 2022.

Respondents filed an answer requesting a hearing on April 3, 2020, and the matter was referred to the State Office of Administrative Hearings (“SOAH”) on January 15, 2021. On October 4, 2021, the ALJ issued Order No. 4, which set the evidentiary hearing for January 27, 2022. The SOAH docket clerk served a copy of Order No. 5 to each Respondent at their last known email address via electronic mail.

Respondents failed to appear at the hearing on January 27, 2022. At that hearing, Judy Bohr requested that the ALJ enter a finding that each Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(e), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV’T CODE § 2001.056.

The ALJ remanded the matter to the Executive Director by SOAH Order No. 5, issued on February 2, 2022, so that TCEQ may dispose of this case on a default basis.”

“My name is William Hogan, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.”

Executed in Travis County,
State of Texas,
on the 11th day of March, 2022

A handwritten signature in black ink that reads "William Hogan".

Declarant