

**Executive Summary – Enforcement Matter – Case No. 62094  
RDS Opportunity Fund LLC dba Golden Triangle Business Park  
RN111414207 and RN111452421  
Docket No. 2022-0305-PWS-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

RDS Opportunity Fund, 1919, 1925, 1927, 1929, 1937, 1941, and 1943 Golden Heights Road, Fort Worth, Tarrant County ("Facility No. 1")

1187 Business Park, 7661 Rendon Bloodworth Road, Mansfield, Tarrant County ("Facility No. 2")

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 13, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$15,376

**Amount Deferred for Expedited Settlement:** \$3,075

**Total Paid to General Revenue:** \$12,301

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** December 6, 2021

**Complaint Information:** Complainant expressed concern over the status as a public water system of several water wells located at the nearby business park.

**Date(s) of Investigation:** December 16, 2021 through December 22, 2021 and January 31, 2022 through February 9, 2022

**Date(s) of NOE(s):** March 9, 2022 and April 6, 2022

**Executive Summary – Enforcement Matter – Case No. 62094**  
**RDS Opportunity Fund LLC dba Golden Triangle Business Park**  
**RN111414207 and RN111452421**  
**Docket No. 2022-0305-PWS-E**

***Violation Information***

**Facility No. 1:**

1. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A)].
2. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection [30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3)].
3. Failed to submit well completion data for review and approval prior to placing the Facility's Well Nos. 2 through 7 into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].
4. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of the new public water supply. Specifically, the Respondent was operating a business which meets the definition of a nontransient, noncommunity public water supply without first obtaining approval [30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035(a)].
5. Failed to keep on file copies of well completion data for as long as the well remains in service. Specifically, the well completion data for Well No. 1 was not available for review [30 TEX. ADMIN. CODE § 290.46(n)(3)].

**Facility No. 2:**

1. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A)].
2. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection [30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3)].
3. Failed to submit well completion data for review and approval prior to placing the Facility's well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].
4. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of the new public water supply. Specifically, the Respondent was operating a business which meets the definition of a nontransient, noncommunity public water supply without first obtaining approval [30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035(a)].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, at Facility No. 1:

a. Within 30 days:

i. Begin operating the Facility under the direct supervision of a water works operator who holds a class "D" or higher license; and

ii. Provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 90 days, keep on file copies of well completion data for Well No. 1.

d. Within 105 days, submit written certification to demonstrate compliance with c.

e. Within 180 days:

i. Submit well completion data for review and approval for the Facility's Well Nos. 2 through 7; and

ii. Submit plans and specifications of the public water supply for review and approval.

f. Within 195 days, submit written certification to demonstrate compliance with e.

g. Within 270 days:

i. Obtain approval of the well completion data for Facility's Well Nos. 2 through 7; and

ii. Obtain approval of the plans and specifications for the public water supply.

h. Within 285 days, submit written certification to demonstrate compliance with g.

At Facility No. 2:

a. Within 30 days:

i. Begin operating the Facility under the direct supervision of a water works operator who holds a class "D" or higher license; and

**Executive Summary – Enforcement Matter – Case No. 62094**  
**RDS Opportunity Fund LLC dba Golden Triangle Business Park**  
**RN111414207 and RN111452421**  
**Docket No. 2022-0305-PWS-E**

- ii. Provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 180 days:
  - i. Submit well completion data for review and approval for the Facility's well; and
  - ii. Submit plans and specifications of the public water supply for review and approval.
- d. Within 195 days, submit written certification to demonstrate compliance with c.
- e. Within 270 days:
  - i. Obtain approval of the well completion data for Facility's well; and
  - ii. Obtain approval of the plans and specifications for the public water supply.
- f. Within 285 days, submit written certification to demonstrate compliance with e.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Ronica Rodriguez Scott, Enforcement Division, Enforcement Team 5, MC R-14, (361) 881-6990; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Ron Sturgeon, Managing Partner, RDS Opportunity Fund LLC dba Golden Triangle Business Park, 5940 Eden Drive, Fort Worth, Texas 76117

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	14-Mar-2022	<b>Screening</b>	14-Mar-2022	<b>EPA Due</b>	
	<b>PCW</b>	28-Mar-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 1)				
<b>Reg. Ent. Ref. No.</b>	RN111414207				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62094	<b>No. of Violations</b>	5
<b>Docket No.</b>	2022-0305-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Ronica Rodriguez Scott
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$5,550
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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.

<b>Compliance History</b>	<b>2.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$111
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<b>Notes</b>	Enhancement for one NOV with dissimilar violations.			
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<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$4,234	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$17,461	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,661
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>38.7%</b>	<b>Adjustment</b>	\$2,190
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 1.		
	<b>Final Penalty Amount</b>	\$7,851	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$7,851
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$1,570
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.		
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<b>PAYABLE PENALTY</b>	\$6,281
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Screening Date

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PCW

Respondent

No. 1)

Case ID No.

62094

Reg. Ent. Reference No.

RN111414207

Media

Public Water Supply

Enf. Coordinator

Ronica Rodriguez Scott

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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> )	0	0%
	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)

2%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations.

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

2%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

2%

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Respondent

No. 1)

Case ID No.

62094

Reg. Ent. Reference No.

RN111414207

Media

Public Water Supply

Enf. Coordinator

Ronica Rodriguez Scott

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(e)(4)(A)

Violation Description

Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

15.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Failure to operate the Facility under direct supervision of an operator with the appropriate license may result in poor plant operation which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment

\$4,250

\$750

Violation Events

Number of Violation Events

3

88

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$2,250

Three monthly events are recommended, calculated from the investigation date of December 16, 2021, to the screening date of March 14, 2022.

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 Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

\$2,250

Economic Benefit (EB) for this violation

Estimated EB Amount

\$2,200

Statutory Limit Test

Violation Final Penalty Total

\$3,183

This violation Final Assessed Penalty (adjusted for limits)

\$3,183

# Economic Benefit Worksheet

**Respondent** RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 1)  
**Case ID No.** 62094  
**Reg. Ent. Reference No.** RN111414207  
**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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	16-Dec-2021	7-Dec-2023	1.98	\$10	n/a	\$10

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to ensure the Facility is operated under the direct supervision of an operator who holds an applicable, valid license issued by the Executive Director, calculated from the investigation date to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel	\$9,048	16-Dec-2021	14-Mar-2022	0.24	\$9	\$2,181	\$2,190
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
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 cost includes the estimated annual salary of a water works operator who holds a minimum of a Class "D" or higher license, calculated from the investigation date to the screening date.

**Approx. Cost of Compliance** \$2,281

**TOTAL** \$2,200



Screening Date

14-Mar-2022

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PCW

Respondent

1)

Case ID No.

62094

Reg. Ent. Reference No.

RN111414207

Media

Public Water Supply

Enf. Coordinator

Ronica Rodriguez Scott

Violation Number

2

Rule Cite(s)

30 Tex. Admin. Code § 290.42(b)(1) and (e)(3)

Violation Description

Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

15.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Without disinfection facilities to ensure microbiological control and proper disinfection of the water, persons served by the Facility could be exposed to contaminants that would exceed levels that are protective of human health.

Adjustment

\$4,250

\$750

Violation Events

Number of Violation Events

3

88

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$2,250

Three monthly events are recommended, calculated from the investigation date of December 16, 2021, to the screening date of March 14, 2022.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

The Respondent does 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

\$139

Violation Final Penalty Total

\$3,183

This violation Final Assessed Penalty (adjusted for limits)

\$3,183

# Economic Benefit Worksheet

**Respondent** RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 1)  
**Case ID No.** 62094  
**Reg. Ent. Reference No.** RN111414207  
**Media** Public Water Supply  
**Violation No.** 2

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	16-Dec-2021	7-Dec-2023	1.98	\$7	\$132	\$139
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide disinfection facilities for microbiological control and distribution protection, calculated from the date of the investigation to the estimated 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				0.00	\$0	\$0	\$0
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

Approx. Cost of Compliance	\$1,000	TOTAL	\$139
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Screening Date

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2022-0305-PWS-E

PCW

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Enf. Coordinator

14-Mar-2022

RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 1)

62094

RN111414207

Public Water Supply

Ronica Rodriguez Scott

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number

3

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(A)

Violation Description

Failed to submit well completion data for review and approval prior to placing the Facility's Well Nos. 2 through 7 into service.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

10.0%

Matrix Notes

Greater than 70% of the rule requirements were not met.

Adjustment

\$4,500

\$500

Violation Events

Number of Violation Events

1

88

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$500

One single event is recommended.

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 Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

\$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$1,206

Violation Final Penalty Total

\$707

This violation Final Assessed Penalty (adjusted for limits)

\$707

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 1) 62094 RN111414207 Public Water Supply 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$9,000	16-Dec-2021	20-Aug-2024	2.68	\$1,206	n/a	\$1,206

Notes for DELAYED costs

The delayed cost includes the estimated amount to compile well completion data and submit it for approval for the Facility's wells (\$1,500 per well x six wells), calculated from the investigation date to the estimated 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				0.00	\$0	\$0	\$0
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

Approx. Cost of Compliance \$9,000 TOTAL \$1,206

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PCW

Respondent

1)

Case ID No.

62094

Reg. Ent. Reference No.

RN111414207

Media

Public Water Supply

Enf. Coordinator

Ronica Rodriguez Scott

Violation Number

4

Rule Cite(s)

30 Tex. Admin. Code § 290.39(e)(1) and (h)(1) and Tex. Health & Safety Code § 341.035(a)

Violation Description

Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of the new public water supply. Specifically, the Respondent was operating a business which meets the definition of a nontransient, noncommunity public water supply without first obtaining approval.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment

\$4,500

\$500

Violation Events

Number of Violation Events

1

88

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$500

One single event is recommended.

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 Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

\$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$670

Violation Final Penalty Total

\$707

This violation Final Assessed Penalty (adjusted for limits)

\$707

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 1) 62094 RN111414207 Public Water Supply 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	16-Dec-2021	20-Aug-2024	2.68	\$670	n/a	\$670

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and submit as-built plans and specifications for review and obtain approval, calculated from the investigation date to the estimated 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				0.00	\$0	\$0	\$0
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

Approx. Cost of Compliance	\$5,000	TOTAL	\$670
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Screening Date

14-Mar-2022

Docket No.

2022-0305-PWS-E

PCW

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Enf. Coordinator

RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 1)

62094

RN111414207

Public Water Supply

Ronica Rodriguez Scott

Violation Number

5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(3)

Violation 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. Specifically, the well completion data for Well No. 1 was not available for review.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment

\$4,950

Violation Events

Number of Violation Events

1

88

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$50

One single event is recommended.

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 Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

\$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$19

Violation Final Penalty Total

\$71

This violation Final Assessed Penalty (adjusted for limits)

\$71

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 1) 62094 RN111414207 Public Water Supply 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	16-Dec-2021	2-Feb-2024	2.13	\$19	n/a	\$19
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to keep on file well completion data at the Facility, calculated from the investigation date to the estimated 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				0.00	\$0	\$0	\$0
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

Approx. Cost of Compliance \$180 TOTAL \$19





# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	11-Apr-2022		
	<b>PCW</b>	22-Apr-2022	<b>Screening</b>	18-Apr-2022
			<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 2)			
<b>Reg. Ent. Ref. No.</b>	RN111452421			
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62094	<b>No. of Violations</b>	4
<b>Docket No.</b>	2022-0305-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Ronica Rodriguez Scott
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$5,500
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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.

<b>Compliance History</b>	<b>2.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$110
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Notes Enhancement for one NOV with dissimilar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$2,883
Estimated Cost of Compliance	\$9,509

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,610
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>34.1%</b>	<b>Adjustment</b>	\$1,915
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 1.

<b>Final Penalty Amount</b>	\$7,525
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$7,525
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$1,505
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,020
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Screening Date

18-Apr-2022

Docket No.

2022-0305-PWS-E

PCW

Respondent

No. 2)

Case ID No.

62094

Reg. Ent. Reference No.

RN111452421

Media

Public Water Supply

Enf. Coordinator

Ronica Rodriguez Scott

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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> )	0	0%
	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)2%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%2%

Screening Date		18-Apr-2022		Docket No.		2022-0305-PWS-E		PCW		
Respondent		RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 2)						Policy Revision 5 (January 28, 2021)		
Case ID No.		62094						PCW Revision February 11, 2021		
Reg. Ent. Reference No.		RN111452421								
Media		Public Water Supply								
Enf. Coordinator		Ronica Rodriguez Scott								
Violation Number		1								
Rule Cite(s)		30 Tex. Admin. Code § 290.46(e)(4)(A)								
Violation Description		Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.								
Base Penalty								\$5,000		
>> Environmental, Property and Human Health Matrix										
OR	Release		Major		Moderate		Minor			
	Actual									
	Potential		x						Percent 15.0%	
>>Programmatic Matrix										
		Falsification		Major		Moderate		Minor		
										Percent 0.0%
Matrix Notes		Failure to operate the Facility under direct supervision of an operator with the appropriate license may result in poor plant operation which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.								
Adjustment								\$4,250		
								\$750		
Violation Events										
Number of Violation Events		3		77		Number of violation days				
		daily								
		weekly								
		monthly		x						
		quarterly								
		semiannual								
		annual								
		single event								
Violation Base Penalty		\$2,250								
Three monthly events are recommended, calculated from the investigation date of January 31, 2022, to the screening date of April 18, 2022.										
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 Respondent does 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		\$1,924		Violation Final Penalty Total		\$3,078				
This violation Final Assessed Penalty (adjusted for limits)								\$3,078		

# Economic Benefit Worksheet

**Respondent** RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 2)  
**Case ID No.** 62094  
**Reg. Ent. Reference No.** RN111452421  
**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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	31-Jan-2022	7-Dec-2023	1.85	\$9	n/a	\$9

### Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure the Facility is operated under the direct supervision of an operator who holds an applicable, valid license by the Executive Director, calculated from the investigation date to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel	\$9,048	31-Jan-2022	18-Apr-2022	0.21	\$6	\$1,909	\$1,915
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
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 cost includes the estimated annual salary of a water works operator who holds a minimum of a Class "D" or higher license, calculated from the investigation date to the screening date.

Approx. Cost of Compliance \$2,009

**TOTAL** \$1,924

Screening Date

18-Apr-2022

Docket No.

2022-0305-PWS-E

PCW

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Enf. Coordinator

RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 2)

62094

RN111452421

Public Water Supply

Ronica Rodriguez Scott

Violation Number

2

Rule Cite(s)

30 Tex. Admin. Code § 290.42(b)(1) and (e)(3)

Violation Description

Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

15.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Without disinfection facilities to ensure microbiological control and proper disinfection of the water, persons served by the Facility could be exposed to contaminants that would exceed levels that are protective of human health.

Adjustment

\$4,250

\$750

Violation Events

Number of Violation Events

3

77

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$2,250

Three monthly events are recommended, calculated from the investigation date of January 31, 2022, to the screening date of April 18, 2022.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

The Respondent does 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

\$129

Violation Final Penalty Total

\$3,078

This violation Final Assessed Penalty (adjusted for limits)

\$3,078

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 2) 62094 RN111452421 Public Water Supply 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	31-Jan-2022	7-Dec-2023	1.85	\$6	\$123	\$129
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide disinfection facilities for microbiological control and distribution protection, calculated from the date of the investigation to the estimated 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				0.00	\$0	\$0	\$0
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

Approx. Cost of Compliance \$1,000 TOTAL \$129

Screening Date

18-Apr-2022

Docket No.

2022-0305-PWS-E

PCW

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Enf. Coordinator

RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 2)

62094

RN111452421

Public Water Supply

Ronica Rodriguez Scott

Violation Number

3

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(A)

Violation Description

Failed to submit well completion data for review and approval prior to placing the Facility's well into service.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment

\$4,500

\$500

Violation Events

Number of Violation Events

1

77

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$500

One single event is recommended.

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 Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

\$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$192

Violation Final Penalty Total

\$684

This violation Final Assessed Penalty (adjusted for limits)

\$684

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 2) 62094 RN111452421 Public Water Supply 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	31-Jan-2022	20-Aug-2024	2.55	\$192	n/a	\$192

Notes for DELAYED costs

The delayed cost includes the estimated amount to compile well completion data and submit it for approval for the Facility's well, calculated from the investigation date to the estimated 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				0.00	\$0	\$0	\$0
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

Approx. Cost of Compliance \$1,500 TOTAL \$192



Screening Date

18-Apr-2022

Docket No.

2022-0305-PWS-E

PCW

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Enf. Coordinator

RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 2)

62094

RN111452421

Public Water Supply

Ronica Rodriguez Scott

Violation Number

Rule Cite(s)

4

30 Tex. Admin. Code § 290.39(e)(1) and (h)(1) and Tex. Health & Safety Code § 341.035(a)

Violation Description

Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of the new public water supply. Specifically, the Respondent was operating a business which meets the definition of a nontransient, noncommunity public water supply without first obtaining approval.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment

\$4,500

Violation Events

Number of Violation Events

1

77

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

single event

x

Violation Base Penalty

\$500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

x

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

\$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$638

Violation Final Penalty Total

\$684

This violation Final Assessed Penalty (adjusted for limits)

\$684

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. RDS Opportunity Fund LLC dba Golden Triangle Business Park (PCW No. 2) 62094 RN111452421 Public Water Supply 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Jan-2022	20-Aug-2024	2.55	\$638	n/a	\$638

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and submit as-built plans and specifications for review and obtain approval, calculated from the investigation date to the estimated 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				0.00	\$0	\$0	\$0
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

Approx. Cost of Compliance \$5,000 TOTAL \$638



# Compliance History Report

Compliance History Report for CN605350289, RN111414207, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN605350289, RDS Opportunity Fund LLC **Classification:** UNCLASSIFIED **Rating:** -----

**Regulated Entity:** RN111414207, RDS OPPORTUNITY FUND **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** at 1919, 1925, 1927, 1929, 1937, 1941, and 1943 Golden Heights Road in Fort Worth, Tarrant County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 2200378

**Compliance History Period:** September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** July 07, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 07, 2018 to July 07, 2023

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Ronica Rodriguez Scott **Phone:** (361) 881-6990

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

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

## **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 01/11/2023 (1853424)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
- Description: Failure to provide a minimum pressure tank capacity of 220 gallons on each pressure plane.  
EIC C7 MOD(2)(G)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
- Description: Failure to maintain a map of the distribution system. EIC B3 MOD(2)(B)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(d)(6)		
Description:	Failure to maintain a Sample Siting Plan. EIC B3 MOD (2)(B)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(d)(1)(A)		
Description:	Failure to collect bacteriological samples that are representative of water quality throughout the distribution system. EIC B1 MOD(2)(A)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(4) 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)		
Description:	Failure to monitor the disinfectant residual at representative locations throughout the distribution system. EIC B1 MOD(2)(A)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to ensure that all electrical wiring is installed in compliance with local and national electrical code. EIC C4 MIN(3)(D)		

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# Compliance History Report

Compliance History Report for CN605350289, RN111452421, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN605350289, RDS Opportunity Fund LLC **Classification:** UNCLASSIFIED **Rating:** -----

**Regulated Entity:** RN111452421, 1187 BUSINESS PARK **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 1187 Business Park located at 7661 Rendon Bloodworth Road in Mansfield, Tarrant County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 2200380

**Compliance History Period:** September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** July 07, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 07, 2018 to July 07, 2023

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

**Name:** Ronica Rodriguez Scott

**Phone:** (361) 881-6990

## Site and Owner/Operator History:

- |  |    |
|--|----|
| 1) Has the site been in existence and/or operation for the full five-year compliance period?       | NO |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

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

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

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

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

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |              |   |           |                          |
|---|--------------|---|-----------|--------------------------|
| 1 | Date:        | 01/18/2023  | (1853428) |                          |
|   | Self Report? | NO  |           | Classification: Moderate |
|   | Citation:    | 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)                                    |           |                          |
|   | Description: | Failure to provide a minimum pressure tank capacity of 220 gallons.<br>EIC C7 MOD(2)(G) |           |                          |
|   | Self Report? | NO  |           | Classification: Moderate |
|   | Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(n)(2)   |           |                          |
|   | Description: | Failure to maintain a map of the distribution system. EIC B3 MOD(2)(B)                  |           |                          |
|   | Self Report? | NO  |           | Classification: Moderate |

Citation:	30 TAC Chapter 290, SubChapter F 290.109(d)(6)	
Description:	Failure to maintain a Sample Siting Plan. EIC B3 MOD (2)(B)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(d)(1)(A)	
Description:	Failure to collect bacteriological samples that are representative of water quality throughout the distribution system. EIC B1 MOD(2)(A)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(4) 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)	
Description:	Failure to monitor the disinfectant residual at representative locations throughout the distribution system. EIC B1 MOD(2)(A)	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)	
Description:	Failure to ensure that all electrical wiring is installed in compliance with local and national electrical code. EIC C4 MIN(3)(D)	

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING

RDS OPPORTUNITY FUND LLC DBA  
GOLDEN TRIANGLE BUSINESS PARK  
RN111414207 AND RN111452421

§  
§  
§  
§  
§  
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0305-PWS-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding RDS Opportunity Fund LLC dba Golden Triangle Business Park (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates public water supplies that provide water for human consumption, have approximately 100 and 22 service connections, respectively, and serve at least 25 people per day for at least 60 days per year (the "Facilities"):
  - a. RDS Opportunity Fund located at 1919, 1925, 1927, 1929, 1937, 1941, and 1943 Golden Heights Road in Fort Worth, Tarrant County, Texas ("Facility No. 1"); and
  - b. 1187 Business Park located at 7661 Rendon Bloodworth Road in Mansfield, Tarrant County, Texas ("Facility No. 2").

As such, each Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).

2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$15,376 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,301 of the penalty and \$3,075 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this

Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. 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.
8. 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.

## **II. ALLEGATIONS:**

1. During an investigation at Facility No.1 conducted on December 16, 2021 through December 22, 2021, an investigator documented that the Respondent:
  - a. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A).
  - b. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3).
  - c. Failed to submit well completion data for review and approval prior to placing the Facility's Well Nos. 2 through 7 into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A).
  - d. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of the new public water supply, in violation of 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035(a). Specifically, the Respondent was operating a business which meets the definition of a nontransient, noncommunity public water supply without first obtaining approval.
  - e. 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, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3). Specifically, the well completion data for Well No. 1 was not available for review.



2. During an investigation at Facility No. 2 conducted on January 31, 2022 through February 9, 2022, an investigator documented that the Respondent:
  - a. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A).
  - b. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3).
  - c. Failed to submit well completion data for review and approval prior to placing the Facility's well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A).
  - d. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of the new public water supply, in violation of 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035(a). Specifically, the Respondent was operating a business which meets the definition of a nontransient, noncommunity public water supply without first obtaining approval.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: RDS Opportunity Fund LLC dba Golden Triangle Business Park, Docket No. 2022-0305-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements at Facility No. 1:
  - a. Within 30 days after the effective date of this Order:
    - i. Begin operating the Facility under the direct supervision of a water works operator who holds a class "D" or higher license, in accordance with 30 TEX. ADMIN. CODE § 290.46; and

- ii. Provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- b. Within 45 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 Nos. 2.a.i and 2.a.ii.
- c. Within 90 days after the effective date of this Order, keep on file copies of well completion data for Well No. 1 as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 105 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. 2.c.
- e. Within 180 days after the effective date of this Order:
  - i. Submit well completion data for review and approval for the Facility's Well Nos. 2 through 7, in accordance with 30 TEX. ADMIN. CODE § 290.41. The well completion data shall be submitted to:

Plan Review Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - ii. Submit plans and specifications of the public water supply for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be submitted to the Plan Review Team at the address listed in Ordering Provision No. 2.e.i.

Respond completely and adequately, as determined by the TCEQ, to all request for information concerning the well completion data and plans and specifications within 15 days after the date of such request, or by any other deadline specified by the TCEQ in writing.
- f. 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 Nos. 2.e.i and 2.e.ii.
- g. Within 270 days after the effective date of this Order:
  - i. Obtain approval of the well completion data for Facility's Well Nos. 2 through 7, in accordance with 30 TEX. ADMIN. CODE § 290.41; and

- ii. Obtain approval of the plans and specifications for the public water supply, in accordance with 30 TEX. ADMIN. CODE § 290.39.
  - h. Within 285 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 Nos. 2.g.i and 2.g.ii.
- 3. The Respondent shall undertake the following technical requirements at Facility No. 2:
  - a. Within 30 days after the effective date of this Order:
    - i. Begin operating the Facility under the direct supervision of a water works operator who holds a class "D" or higher license, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - ii. Provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in accordance with 30 TEX. ADMIN. CODE § 290.42.
  - b. Within 45 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 Nos. 3.a.i and 3.a.ii.
  - c. Within 180 days after the effective date of this Order:
    - i. Submit well completion data for review and approval for the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41. The well completion data shall be submitted to the Plan Review Team at the address listed in Ordering Provision No. 2.e.i; and
    - ii. Submit plans and specifications of the public water supply for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be submitted to the Plan Review Team at the address listed in Ordering Provision No. 2.e.i.

Respond completely and adequately, as determined by the TCEQ, to all request for information concerning the well completion data and plans and specifications within 15 days after the date of such request, or by any other deadline specified by the TCEQ in writing.
  - d. 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 Nos. 3.c.i and 3.c.ii.
  - e. Within 270 days after the effective date of this Order:

- i. Obtain approval of the well completion data for Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
  - ii. Obtain approval of the plans and specifications for the public water supply, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- f. Within 285 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.e.i and 3.e.ii. The certification shall be signed by the Respondent 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facilities' 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives 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 Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the

terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

-----  
For the Commission

-----  
Date

  
-----  
For the Executive Director

11/9/2023

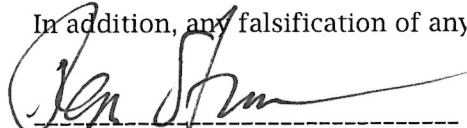
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Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
-----  
Signature

9/12/2023  
-----  
Date

Ronald Sturgeon  
-----  
Name (Printed or typed)

Managing Partner  
-----  
Title

Authorized Representative of

RDS Opportunity Fund LLC dba Golden Triangle Business Park

☐ If mailing address has changed, please check this box and provide the new address below:

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.