

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 54532
Gregory Allen Magers dba Camp Magers Crossing
RN107368524
Docket No. 2022-0339-PWS-E

Order Type:
Default Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
2008 County Road 350, Concan, Uvalde County

Type of Operation:
public water supply

Other Significant Matters:
Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: \$137.85
Other: None
Interested Third Parties: None

Texas Register Publication Date: July 5, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$10,320

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$10,320

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

Major Source: Minor

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: November 4, 2021

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

Date(s) of NOE(s): December 14, 2021

Violation Information

1. Failed to develop and 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 [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
2. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
3. Failed to measure the free chlorine residual within the distribution system with a colorimeter, spectrophotometer, or color comparator [30 TEX. ADMIN. CODE § 290.110(d)(1)].
4. 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 [30 TEX. ADMIN. CODE § 290.46(n)(3)].
5. Failed to provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface [30 TEX. ADMIN. CODE § 290.41(c)(3)(B)].
6. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(B)(iii), (f)(3)(B)(iv), and (f)(3)(D)(ii) and TCEQ Agreed Order Docket No. 2017-0783-PWS-E, Ordering Provision No. 2.a.].
7. Failed to seal the space between the casing and drill hole by using enough cement under pressure to completely fill and seal the annular space between the well casing and the drill hole [30 TEX. ADMIN. CODE § 290.41(c)(3)(C)].
8. Failed to provide the Facility's well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].
9. Failed to retain the Disinfectant Level Quarterly Operating Reports ("DLQORs") and provide a copy if requested by the Executive Director [30 TEX. ADMIN. CODE § 290.110(e)(4)(B)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Compile and maintain properly completed water works operation and maintenance records, including each chemical used each week, the amount of water distributed each week, the disinfectant residual monitoring results from the distribution system, the results of inspection for all water storage and pressure maintenance facilities, and calibration records for flow meters; and
 - b. Ensure that the free chlorine residual is being measured to a minimum accuracy of plus or minus 0.1 milligrams per liter, including acquiring and using an approved device to measure the free chlorine in the distribution system.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirements 1.a. and 1.b.
3. Within 60 days:
 - a. Develop and maintain a 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;

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 54532
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RN107368524
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- b. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference; and
 - c. Provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface.
4. Within 75 days submit written certification to demonstrate compliance with Technical Requirements 3.a. through 3.c.
5. Within 90 days:
- a. Keep on file copies of well completion data for the well;
 - b. Provide a cement bonding log to ensure complete sealing of the annular space between the well casing and the drill hole;
 - c. Provide the Facility's well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inches per foot; and
 - d. Retain the DLQORs and provide a copy if requested by the Executive Director.
6. Within 105 days submit written certification to demonstrate compliance with Technical Requirements 5.a. through 5.d.

Litigation Information

Date Petition(s) Filed: December 14, 2023
Date(s) of Service: December 20, 2023
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Taylor Pearson, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: Ronica Rodriguez, Enforcement Division, (361) 881-6990
TCEQ Regional Contact: Joy Thurston-Cook, San Antonio Regional Office, (210) 490-3096
Respondent Contact: Gregory Allen Magers, President Gregory Allen Magers, 2008 County Road 350,
Concan, Texas 78838
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Jan-2022	Screening	25-Jan-2022	EPA Due	
	PCW	25-Jan-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Gregory Allen Magers
Reg. Ent. Ref. No.	RN107368524
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	54532	No. of Violations	9
Docket No.	2022-0339-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ronica Rodriguez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,600
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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	20.0% Adjustment	Subtotals 2, 3, & 7	\$1,720
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Notes: Enhancement for one agreed order containing a denial of liability.

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

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: \$1,584
 Estimated Cost of Compliance: \$10,930
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,320
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$10,320
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,320
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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.

PAYABLE PENALTY	\$10,320
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Screening Date 25-Jan-2022

Docket No. 2022-0339-PWS-E

PCW

Respondent Gregory Allen Magers

Policy Revision 5 (January 28, 2021)

Case ID No. 54532

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN107368524

Media Public Water Supply

Enf. Coordinator Ronica Rodriguez

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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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) 20%

>> 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 one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 25-Jan-2022
Respondent Gregory Allen Magers
Case ID No. 54532
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez

Docket No. 2022-0339-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description

Failed to develop and 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.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1

82 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 \$18

Violation Final Penalty Total \$600

This violation Final Assessed Penalty (adjusted for limits) \$600

Economic Benefit Worksheet

Respondent Gregory Allen Magers
Case ID No. 54532
Reg. Ent. Reference No. RN107368524
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)	\$180	4-Nov-2021	14-Nov-2023	2.03	\$18	n/a	\$18

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and maintain a chemical and microbiological monitoring plan, 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

\$180

TOTAL

\$18

Screening Date 25-Jan-2022 **Docket No.** 2022-0339-PWS-E **PCW**
Respondent Gregory Allen Magers *Policy Revision 5 (January 28, 2021)*
Case ID No. 54532 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.42(I)
Violation Description Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 82 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 EDRP/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 \$18 **Violation Final Penalty Total** \$600

This violation Final Assessed Penalty (adjusted for limits) \$600

Economic Benefit Worksheet

Respondent Gregory Allen Magers
Case ID No. 54532
Reg. Ent. Reference No. RN107368524
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)				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)	\$180	4-Nov-2021	14-Nov-2023	2.03	\$18	n/a	\$18

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and maintain a thorough and up-to-date plant operations manual, 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

\$180

TOTAL

\$18

Screening Date 25-Jan-2022 **Docket No.** 2022-0339-PWS-E **PCW**
Respondent Gregory Allen Magers *Policy Revision 5 (January 28, 2021)*
Case ID No. 54532 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Gregory Allen Magers
Case ID No. 54532
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Violation No. 3

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	\$300	4-Nov-2021	15-Oct-2023	1.95	\$2	\$39	\$41
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to obtain a device to measure the free chlorine in the distribution system, 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

\$300

TOTAL

\$41

Screening Date 25-Jan-2022 **Docket No.** 2022-0339-PWS-E **PCW**
Respondent Gregory Allen Magers *Policy Revision 5 (January 28, 2021)*
Case ID No. 54532 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Gregory Allen Magers
Case ID No. 54532
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Violation No. 4

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	\$180	4-Nov-2021	14-Dec-2023	2.11	\$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

Screening Date 25-Jan-2022 **Docket No.** 2022-0339-PWS-E **PCW**
Respondent Gregory Allen Magers *Policy Revision 5 (January 28, 2021)*
Case ID No. 54532 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code 290.41(c)(3)(B)
Violation Description Failed to provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface. Specifically, the well was hand dug and was lacking the required casing.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to provide a well casing may allow the well to be exposed to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 82 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, November 4, 2021, to the screening date, January 25, 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 \$142 **Violation Final Penalty Total** \$2,700

This violation Final Assessed Penalty (adjusted for limits) \$2,700

Economic Benefit Worksheet

Respondent Gregory Allen Magers
Case ID No. 54532
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Violation No. 5

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	\$1,000	4-Nov-2021	14-Nov-2023	2.03	\$7	\$135	\$142
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to provide a well casing located at a minimum 18 inches above the elevation of the finished floor of the pump house or natural ground surface, 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

\$1,000

TOTAL

\$142

Screening Date 25-Jan-2022 **Docket No.** 2022-0339-PWS-E **PCW**
Respondent Gregory Allen Magers *Policy Revision 5 (January 28, 2021)*
Case ID No. 54532 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(B)(iii), (f)(3)(B)(iv), and (f)(3)(D)(ii) and TCEQ Agreed Order Docket No. 2017-0783-PWS-E, Ordering Provision No. 2.a

Violation Description
 Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the amount of each chemical used each week, the amount of water distributed each week, the disinfectant residual monitoring results from the distribution system, the calibration records for flow meters, and the results of inspections for all water storage and pressure maintenance facilities were not available for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

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

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 1260 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 \$12 **Violation Final Penalty Total** \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

Economic Benefit Worksheet

Respondent Gregory Allen Magers
Case ID No. 54532
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Violation No. 6

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	\$45	14-Aug-2018	15-Oct-2023	5.17	\$12	n/a	\$12
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 maintain water system operation and maintenance records and make them readily available for inspection upon request by the Executive Director, calculated from the effective date of TCEQ Docket No. 2017-0783-PWS-E 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

\$45

TOTAL

\$12

Screening Date 25-Jan-2022 **Docket No.** 2022-0339-PWS-E **PCW**
Respondent Gregory Allen Magers *Policy Revision 5 (January 28, 2021)*
Case ID No. 54532 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Gregory Allen Magers
Case ID No. 54532
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Violation No. 7

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)	\$6,000	4-Nov-2021	14-Dec-2023	2.11	\$42	\$844	\$886
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 a cement bonding log to ensure complete sealing of the annular space between the well casing and the drill hole or to obtain an exception, 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

\$6,000

TOTAL

\$886

Screening Date 25-Jan-2022 **Docket No.** 2022-0339-PWS-E **PCW**
Respondent Gregory Allen Magers *Policy Revision 5 (January 28, 2021)*
Case ID No. 54532 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code 290.41(c)(3)(J)
Violation Description Failed to provide the Facility's well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to provide the well with a sealing block that extends a minimum of three feet from the well casing in all directions and slopes to drain away from the wellhead at not less than 0.25 inch per foot could result in persons served by the Facility being exposed to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 82 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, November 4, 2021, to the screening date, January 25, 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 \$443 **Violation Final Penalty Total** \$2,700

This violation Final Assessed Penalty (adjusted for limits) \$2,700

Economic Benefit Worksheet

Respondent Gregory Allen Magers
Case ID No. 54532
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Violation No. 8

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	\$3,000	4-Nov-2021	14-Dec-2023	2.11	\$21	\$422	\$443
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 costs includes the estimated amount to provide the Facility's well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot, 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

\$3,000

TOTAL

\$443

Screening Date 25-Jan-2022 **Docket No.** 2022-0339-PWS-E **PCW**
Respondent Gregory Allen Magers *Policy Revision 5 (January 28, 2021)*
Case ID No. 54532 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Enf. Coordinator Ronica Rodriguez

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code 290.110(e)(4)(B)
Violation Description Failed to retain the DLQORs and provide a copy if requested by the Executive Director.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10.0%

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 82 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 EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$5 **Violation Final Penalty Total** \$600

This violation Final Assessed Penalty (adjusted for limits) \$600

Economic Benefit Worksheet

Respondent Gregory Allen Magers
Case ID No. 54532
Reg. Ent. Reference No. RN107368524
Media Public Water Supply
Violation No. 9

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	\$45	4-Nov-2021	14-Dec-2023	2.11	\$5	n/a	\$5
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 retain the DLQORs, 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

\$45

TOTAL

\$5



Compliance History Report

Compliance History Report for CN604569269, RN107368524, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN604569269, Gregory Allen Magers **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN107368524, CAMP MAGERS CROSSING **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 2008 COUNTY ROAD 350 IN CONCAN, UVALDE COUNTY, TEXAS

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2320062

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

Date Compliance History Report Prepared: May 02, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 02, 2018 to May 02, 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? YES
- 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:

- 1 Effective Date: 08/14/2018 ADMINORDER 2017-0783-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(1)
Description: Failure to utilize an approved method for determining free chlorine residuals.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
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: Failure to make records of operations available for review during an investigation

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GREGORY ALLEN MAGERS;
RN107368524**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2022-0339-PWS-E

On _____, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary 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 respondent. The respondent made the subject of this Order is Gregory Allen Magers (“Respondent”).

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

FINDINGS OF FACT

1. Respondent owns and operates a public water supply located at 2008 County Road 350 near Concan, Uvalde County, Texas (the “Facility”). The Facility provides water for human consumption, has approximately 15 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) (2019) (current version at 30 TEX. ADMIN. CODE § 290.38 (73) (2023)).
2. During an investigation conducted on November 4, 2021, an investigator documented that Respondent:
 - a. Failed to develop and 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;
 - b. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference;
 - c. Failed to measure the free chlorine residual within the distribution system with a colorimeter, spectrophotometer, or a color comparator. Specifically, equipment to measure the free chlorine residual were not available;
 - d. 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 driller’s log and cementing certificate were not available for review;
 - e. Failed to provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface. Specifically, the well was hand dug and was lacking the required casing;
 - f. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the amount of each chemical used each week, the amount of water distributed each

- week, the disinfectant residual monitoring results from the distribution system, the calibration records for flow meters, and the results of inspections for all water storage and pressure maintenance facilities were not available for review;
- g. Failed to seal the space between the casing and drill hole by using enough cement under pressure to completely fill and seal the annular space between the well casing and the drill hole;
 - h. Failed to provide the Facility's well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot; and
 - i. Failed to retain the Disinfectant Level Quarterly Operating Report ("DLQORs") and provide a copy if requested by the Executive Director.
3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Gregory Allen Magers" (the "EDPRP") in the TCEQ Chief Clerk's office on December 14, 2023.
 4. By letter dated December 14, 2023, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on December 20, 2023.
 5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to develop and 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, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to measure the free chlorine residual within the distribution system with a colorimeter, spectrophotometer, or color comparator, in violation of 30 TEX. ADMIN. CODE § 290.110(d)(1).
5. As evidenced by Finding of Fact No. 2.d., Respondent 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).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2).

- (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(B)(iii), (f)(3)(B)(iv), and (f)(3)(D)(ii) and TCEQ Agreed Order Docket No. 2017-0783-PWS-E, Ordering Provision No. 2.a.
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to seal the space between the casing and drill hole by using enough cement under pressure to completely fill and seal the annular space between the well casing and the drill hole, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(C).
 9. As evidenced by Finding of Fact No. 2.h., Respondent failed to provide the Facility's well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J).
 10. As evidenced by Finding of Fact No. 2.i., Respondent failed to retain the DLQORs and provide a copy if requested by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(B).
 11. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
 12. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
 13. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a) the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
 14. An administrative penalty in the amount of \$10,320 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.
 15. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$10,320 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Gregory Allen Magers; Docket No. 2022-0339-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. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed water works operation and maintenance records, including each chemical used each week, the amount of water distributed each week, the disinfectant residual monitoring results from the distribution system, the results of inspection for all water storage and pressure maintenance facilities, and calibration records for flow meters, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Ensure that the free chlorine residual is being measured to a minimum accuracy of plus or minus 0.1 milligrams per liter, including acquiring and using an approved device to measure the free chlorine in the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f., 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 60 days after the effective date of this Order:
 - i. Develop and maintain a 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, in accordance with 30 TEX. ADMIN. CODE § 290.121;
 - ii. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - iii. Provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f., and include detailed supporting documentation; including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i. through 3.c.iii;
 - e. Within 90 days after the effective date of this Order:
 - i. Keep on file copies of well completion data for the well, as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Provide a cement bonding log to ensure complete sealing of the annular space between the well casing and the drill hole, in accordance with 30 TEX. ADMIN. CODE § 290.41 to obtain approval from the Executive Director for an exception to the cement bonding log requirement pursuant to 30 TEX. ADMIN. CODE § 290.39(l). The exception letter shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- iii. Provide the Facility's well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inches per foot, in accordance with 30 TEX. ADMIN. CODE §290.41;
- iv. Retain the DLQORs and provide a copy if requested by the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
- f. Within 105 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. through 3.e.iv. The certification shall be signed by 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 fine and imprisonment for knowing violations."

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

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

and:

Water Section Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

and:

Section Manager, Public Drinking Water
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 Respondent. Respondent is 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division 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 Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF TAYLOR W. PEARSON

“On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Gregory Allen Magers’ (the “EDPRP”) was filed in the TCEQ Chief Clerk’s office on December 14, 2023.

The EDPRP was mailed to Respondent’s last known address on December 14, 2023, via certified mail, return receipt requested, postage prepaid. According to USPS.com “Track & Confirm” delivery confirmation records, Respondent received notice of the EDPRP on December 20, 2023.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.”

"My name is Taylor Wayne Pearson 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 31st day of May, 2024

A handwritten signature in blue ink that reads "Taylor Pearson".

Declarant