

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62222  
Troy G. Waller dba Rockwell Acres Water System  
RN101451565  
Docket No. 2022-0456-PWS-E

Page 1 of 3

**Order Type:**  
Default Order

**Media:**  
PWS

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
16010 Hammon Street, Amarillo, Randall County

**Type of Operation:**  
public water supply

**Other Significant Matters:**  
Additional Pending Enforcement Actions: Yes, 2022-1330-UTL-E; 2023-1775-PWS-E  
Past-Due Penalties: None  
Past-Due Fees: \$3,276.88  
Other: None  
Interested Third-Parties: None  
**Texas Register Publication Date:** August 9, 2024  
**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$7,200  
**Total Paid to General Revenue:** \$0  
**Total Due to General Revenue:** \$7,200

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

**Major Source:** No  
**Statutory Limit Adjustment:** None  
**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** April 4, 2022 through April 15, 2022  
**Date(s) of NOV(s):** May 28, 2021; November 22, 2021; March 24, 2022  
**Date(s) of NOE(s):** April 15, 2022

**Violation Information**

1. Failed to provide the results of nitrate/nitrite and volatile organic compounds (“VOC”) contaminants sampling to the Executive Director for the January 1, 2021 through December 31, 2021 monitoring period [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e)].
2. Failed to provide the results of radionuclides sampling to the Executive Director for the second through fourth quarters of 2020, and the second and third quarters of 2021[30 TEX. ADMIN. CODE § 290.108(e)].
3. Failed to provide the results of metals sampling to the Executive Director for the January 1, 2019 through December 31, 2021 monitoring period [30 TEX. ADMIN. CODE § 290.106(e)].
4. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with a certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2020 through December 31, 2020 monitoring period [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
5. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91910004 for Fiscal Years 2021 and 2022 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Ensure that all delinquent drinking water chemical analysis results for metals, radionuclides, VOC contaminants, and nitrate/nitrite are reported to the Executive Director;
  - b. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for metals, radionuclides, VOC contaminants, and nitrate/nitrite are released by the Facility's laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the PWS, or the first ten days following the end of the monitoring period, whichever occurs first;
  - c. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2020 through December 31, 2020, monitoring period. Submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements; and
  - d. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91910004.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.c.

**Litigation Information**

**Date Petition(s) Filed:** June 22, 2023

**Date(s) of Service:** June 29, 2023

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62222  
**Troy G. Waller dba Rockwell Acres Water System**  
RN101451565  
Docket No. 2022-0456-PWS-E

Page 3 of 3

**Contact Information**

**TCEQ Attorneys:** Misty James, 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:** Tessa Bond, Enforcement Division, (512) 239-1269

**TCEQ Regional Contact:** Gregory Nagel, Amarillo Regional Office, (806) 353-9251

**Respondent Contact:** Troy G. Waller, 16251 Hammon Street, Amarillo, Texas 79118

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

**THIS PAGE INTENTIONALLY LEFT BLANK**



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	18-Apr-2022	<b>Screening</b>	19-Apr-2022	<b>EPA Due</b>	30-Jun-2022
	<b>PCW</b>	21-Apr-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Troy G. Waller dba Rockwell Acres Water System				
<b>Reg. Ent. Ref. No.</b>	RN101451565				
<b>Facility/Site Region</b>	1-Amarillo	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62222	<b>No. of Violations</b>	5
<b>Docket No.</b>	2022-0456-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Ecko Beggs
		<b>EC's Team</b>	Enforcement Team 2
<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>	\$4,500
---	-------------------	---------

## 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>	60.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$2,700
---------------------------	-------	-------------------	--------------------------------	---------

Notes: Enhancement for three NOV's with the same/similar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
--------------------	----	------	--------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
-------------------------	------	---------------------	-------------------	-----

Total EB Amounts \$192  
Estimated Cost of Compliance \$1,822  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$7,200
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$7,200
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$7,200
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
-----------------	------	------------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$7,200
------------------------	---------

<b>Screening Date</b>	19-Apr-2022	<b>Docket No.</b>	2022-0456-PWS-E	<b>PCW</b>
<b>Respondent</b>	Troy G. Waller dba Rockwell Acres Water System			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	62222			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN101451565			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Ecko Beggs			

### 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> )	3	15%
	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	1	25%
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)** 60%

#### >> 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 three NOVs with the same/similar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 60%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 60%

<b>Screening Date</b> 19-Apr-2022 <b>Respondent</b> Troy G. Waller dba Rockwell Acres Water System <b>Case ID No.</b> 62222 <b>Reg. Ent. Reference No.</b> RN101451565 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Ecko Beggs	<b>Docket No.</b> 2022-0456-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	-----------------------------------	--

  

<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code §§ 290.106(e) and 290.107(e)
<b>Violation Description</b>		Failed to provide the results of nitrate/nitrite and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the January 1, 2021 through December 31, 2021 monitoring period.

  

<b>Base Penalty</b>	\$5,000
---------------------	---------

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Release</b>	<b>Harm</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
		Actual					
		Potential					
							<b>Percent</b> 0.0%

  

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
		x			<b>Percent</b> 10.0%

  

<b>Matrix Notes</b>	100% of the rule requirements were not met.
---------------------	---

  

<b>Adjustment</b>	\$4,500
-------------------	---------

  

	\$500
--	-------

  

**Violation Events**

Number of Violation Events	2	99	Number of violation days
----------------------------	---	----	--------------------------

  

	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event		x				

  

<b>Violation Base Penalty</b>	\$1,000
-------------------------------	---------

  

	Two single events are recommended (one event per sample).
--	---

  

**Good Faith Efforts to Comply**

	0.0%	
		<b>Reduction</b>

  

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

  

<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.
--------------	--

  

<b>Violation Subtotal</b>	\$1,000
---------------------------	---------

  

**Economic Benefit (EB) for this violation**

	\$6	
		<b>Statutory Limit Test</b>

  

<b>Estimated EB Amount</b>	\$6	<b>Violation Final Penalty Total</b>	\$1,600
----------------------------	-----	--------------------------------------	---------

  

<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$1,600
--	---------

# Economic Benefit Worksheet

**Respondent** Troy G. Waller dba Rockwell Acres Water System  
**Case ID No.** 62222  
**Reg. Ent. Reference No.** RN101451565  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

## 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	\$100	4-Apr-2022	29-Nov-2022	0.65	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$66	10-Jan-2022	29-Nov-2022	0.88	\$3	n/a	\$3

### Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future drinking water sample results are released by the Facility's laboratories and reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

The Other delayed cost includes the estimated amount to pay any outstanding lab fees (\$8.74 for nitrate/nitrite, and \$56.77 for VOC contaminants) so that the lab will release all drinking water chemical analysis results, calculated from the date when sampling results were due 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

\$166

**TOTAL**

\$6



<b>Screening Date</b> 19-Apr-2022 <b>Respondent</b> Troy G. Waller dba Rockwell Acres Water System <b>Case ID No.</b> 62222 <b>Reg. Ent. Reference No.</b> RN101451565 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Ecko Beggs	<b>Docket No.</b> 2022-0456-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	-----------------------------------	--

  

<b>Violation Number</b>	2	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code § 290.108(e)	
<b>Violation Description</b>	Failed to provide the results of radionuclides sampling to the Executive Director for the second through fourth quarters of 2020, and the second and third quarters of 2021.		

  

<b>Base Penalty</b>	\$5,000
---------------------	---------

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

  

**>> Programmatic Matrix**

<b>Matrix Notes</b>	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="10.0%"/>
	100% of the rule requirements were not met.				

  

<b>Adjustment</b>	\$4,500
-------------------	---------

  

	\$500
--	-------

  

**Violation Events**

Number of Violation Events	5	648	Number of violation days
----------------------------	---	-----	--------------------------

  

	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$2,500"/>
	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"/>	

  

Five single events are recommended (one event for each sample result of each monitoring period).	
--	--

  

**Good Faith Efforts to Comply**

<b>0.0%</b>	<b>Reduction</b>	\$0
	Before NOE/NOV	NOE/NOV to EDP RP/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	The Respondent does not meet the good faith criteria for this violation.	

  

<b>Violation Subtotal</b>	\$2,500
---------------------------	---------

  

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$174	<b>Statutory Limit Test</b>
----------------------------	-------	-----------------------------

  

<b>Violation Final Penalty Total</b>	\$4,000
--------------------------------------	---------

  

<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$4,000
--	---------

# Economic Benefit Worksheet

**Respondent** Troy G. Waller dba Rockwell Acres Water System  
**Case ID No.** 62222  
**Reg. Ent. Reference No.** RN101451565  
**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
<b>Delayed Costs</b>							
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)	\$1,439	1-Jul-2020	29-Nov-2022	2.41	\$174	n/a	\$174
Notes for DELAYED costs	<p>The Training/Sampling delayed cost to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director is captured in the Economic Benefit Worksheet for Violation No. 1.</p> <p>The Other delayed cost includes the estimated amount to pay any outstanding lab fees (\$287.73 for radionuclides x five monitoring periods), so that the lab will release all drinking water chemical analysis results, calculated from the earliest date the sampling results were due to the estimated date of compliance.</p>						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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	\$1,439			<b>TOTAL</b>		\$174	

<b>Screening Date</b> 19-Apr-2022 <b>Respondent</b> Troy G. Waller dba Rockwell Acres Water System <b>Case ID No.</b> 62222 <b>Reg. Ent. Reference No.</b> RN101451565 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Ecko Beggs	<b>Docket No.</b> 2022-0456-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	-----------------------------------	--

  

<b>Violation Number</b>	3	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.106(e)
<b>Violation Description</b>	Failed to provide the results of metals sampling to the Executive Director for the January 1, 2019 through December 31, 2021 monitoring period.	

  

**Base Penalty** \$5,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">0.0%</span>
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">10.0%</span>

  

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

  

**Adjustment** \$4,500

\$500

  

**Violation Events**

Number of Violation Events	<div style="border: 1px solid black; padding: 2px 10px;">1</div>	<div style="border: 1px solid black; padding: 2px 10px;">99</div>	Number of violation days
----------------------------	--	---	--------------------------

  

	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px 20px;">\$500</span>
	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	single event	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	

  

One single event is recommended.

  

**Good Faith Efforts to Comply**

	<div style="border: 1px solid black; padding: 2px 10px;">0.0%</div>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
N/A	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Notes	The Respondent does not meet the good faith criteria for this violation.	

  

**Violation Subtotal** \$500

  

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<div style="border: 1px solid black; padding: 2px 20px;">\$7</div>
	<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 2px 20px;">\$800</span>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border: 1px solid black; padding: 2px 20px;">\$800</span>	

## Economic Benefit Worksheet

**Respondent** Troy G. Waller dba Rockwell Acres Water System  
**Case ID No.** 62222  
**Reg. Ent. Reference No.** RN101451565  
**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
<b>Delayed Costs</b>							
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)	\$165	10-Jan-2022	29-Nov-2022	0.88	\$7	n/a	\$7
<b>Notes for DELAYED costs</b>	<p>The Training/Sampling delayed cost to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director are captured in the Economic Benefit Worksheet for Violation No. 1.</p> <p>The Other delayed cost includes the esimated amount to pay any outstanding lab fees (\$164.96 for metals), so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the estimated date of compliance.</p>						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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
<b>Notes for AVOIDED costs</b>							
<b>Approx. Cost of Compliance</b>	\$165			<b>TOTAL</b>		\$7	

<b>Screening Date</b> 19-Apr-2022 <b>Respondent</b> Troy G. Waller dba Rockwell Acres Water System <b>Case ID No.</b> 62222 <b>Reg. Ent. Reference No.</b> RN101451565 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Ecko Beggs	<b>Docket No.</b> 2022-0456-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	-----------------------------------	--

  

<b>Violation Number</b>	4	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code § 290.117(i)(6) and (j)	
<b>Violation Description</b>		Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with a certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2020 through December 31, 2020 monitoring period.	

  

<b>Base Penalty</b>	\$5,000
---------------------	---------

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			<b>Percent</b>
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Percent <input style="width: 50px;" type="text" value="0.0%"/>					

  

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	<b>Percent</b>
<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
Percent <input style="width: 50px;" type="text" value="10.0%"/>				
Matrix Notes	100% of the rule requirements were not met.			

  

<b>Adjustment</b>	\$4,500
-------------------	---------

  

	\$500
--	-------

  

**Violation Events**

Number of Violation Events <input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="474"/>	Number of violation days
--	---	--------------------------

  

daily	<input type="text"/>	<b>Violation Base Penalty</b>
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"/>	

  

One single event is recommended.	
----------------------------------	--

  

**Good Faith Efforts to Comply**

<b>0.0%</b>	<b>Reduction</b>
Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>
N/A	<input type="text" value="x"/>
Notes	The Respondent does not meet the good faith criteria for this violation.

  

<b>Violation Subtotal</b>	\$500
---------------------------	-------

  

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$5
----------------------------	-----

  

**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$800
--------------------------------------	-------

  

<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$800
--	-------

# Economic Benefit Worksheet

**Respondent** Troy G. Waller dba Rockwell Acres Water System  
**Case ID No.** 62222  
**Reg. Ent. Reference No.** RN101451565  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

## 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)	\$52	31-Dec-2020	29-Nov-2022	1.91	\$5	n/a	\$5

### Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notification for the January 1, 2020 through December 31, 2020 monitoring period to persons served at the locations which were sampled and to the TCEQ (((\$0.50 x five sample locations + \$50) x one monitoring period), calculated from the date the consumer notification was due 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

\$52

**TOTAL**

\$5

<b>Screening Date</b> 19-Apr-2022 <b>Respondent</b> Troy G. Waller dba Rockwell Acres Water System <b>Case ID No.</b> 62222 <b>Reg. Ent. Reference No.</b> RN101451565 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Ecko Beggs	<b>Docket No.</b> 2022-0456-PWS-E  <b>Violation Number</b> <input type="text" value="5"/> <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702  <b>Violation Description</b> Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91910004 for Fiscal Years 2021 and 2022.	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	--	--

  

	<b>Base Penalty</b> <input type="text" value="\$5,000"/>
--	--

  

**>> Environmental, Property and Human Health Matrix**

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

  

**>> Programmatic Matrix**

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

  

Matrix Notes	
--------------	--

  

	<b>Adjustment</b> <input type="text" value="\$5,000"/>
--	--

  

	<input type="text" value="\$0"/>
--	----------------------------------

  

**Violation Events**

Number of Violation Events <input type="text"/>		Number of violation days <input type="text"/>
---	--	---

  

daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$0"/>
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"/>	

  

All penalties and fees will be determined by the Financial Administration Division at the next billing cycle.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>	Reduction <input type="text" value="\$0"/>
	Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	
Ordinary	<input type="text"/>	
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

  

	<b>Violation Subtotal</b> <input type="text" value="\$0"/>
--	--

  

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b> <input type="text" value="\$0"/>	<b>Statutory Limit Test</b>
---	-----------------------------

  

<b>Violation Final Penalty Total</b> <input type="text" value="\$0"/>	
---	--

  

<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$0"/>	
---	--

# Economic Benefit Worksheet

**Respondent** Troy G. Waller dba Rockwell Acres Water System  
**Case ID No.** 62222  
**Reg. Ent. Reference No.** RN101451565  
**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
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	N/A						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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	N/A						
Approx. Cost of Compliance	\$0				<b>TOTAL</b>		\$0





# Compliance History Report

Compliance History Report for CN601819469, RN101451565, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN601819469, Troy G. Waller

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Regulated Entity:** RN101451565, ROCKWELL ACRES WATER SYSTEM

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 16010 HAMMON STREET IN AMARILLO, RANDALL COUNTY, TEXAS

**TCEQ Region:** REGION 01 - AMARILLO

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1910004

**Compliance History Period:** September 01, 2018 to August 31, 2023

**Rating Year:** 2023

**Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** August 14, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 18, 2017 to April 18, 2022

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

**Name:** Ronica Rodriguez Scott

**Phone:** (512) 239-2510

## 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: 08/23/2017 | ADMINORDER 2016-2047-PWS-E (Findings Order-Agreed Order Without Denial) |
|---|----------------------------|---|

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2015 - The system failed to provide the Consumer Confidence Report (CCR) for 2015 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.272  
30 TAC Chapter 290, SubChapter H 290.274(a)

Description: CCR 2013 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2013 CCR year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 1Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 2Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the second quarter of 2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RD MR PN 3Y2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution lead and copper reduced monitoring and reporting violation for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015.

2 Effective Date: 10/20/2020 ADMINORDER 2020-0446-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: GA MCL 4Q2019 - During the 4th quarter of 2019 the system violated the maximum contaminant level for gross alpha with a RAA of 16 pCi/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: GA MCL 3Q2019 - During the 3rd quarter of 2019 the system violated the maximum contaminant level for gross alpha with a RAA of 16 pCi/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: GA MCL 2Q2019 - During the 2nd quarter of 2019 the system violated the maximum contaminant level for gross alpha with a RAA of 18 pCi/L.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 291, SubChapter D 291.76

Description: Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11759 for calendar year 2019.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 24, 2018	(1481065)
Item 2	May 08, 2018	(1483721)
Item 3	February 11, 2020	(1624562)
Item 4	April 14, 2021	(1707182)

**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:	05/28/2021	(1809827)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.108(e) 30 TAC Chapter 290, SubChapter F 290.108(f)(3) 30 TAC Chapter 290, SubChapter F 290.108(f)(4)	
Description:	RAD MR 4Q2020 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2020 to 12/31/2020 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 11/12/2020	
  
- 2
 

Date:	11/22/2021	(1809827)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.108(e) 30 TAC Chapter 290, SubChapter F 290.108(f)(3) 30 TAC Chapter 290, SubChapter F 290.108(f)(4)	
Description:	RAD MR 2Q2021 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2021 to 06/30/2021 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 05/06/2021	
  
- 3
 

Date:	03/24/2022	(1809827)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)	
Description:	MTL MR 3Y2021 - The system failed to monitor and/or report metal levels to the TCEQ for the triennial monitoring period from 01/01/2019 to 12/31/2021 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 02/24/2021	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(6) 30 TAC Chapter 290, SubChapter F 290.106(c)(7) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)	
Description:	NO32 MR YR2021- The system failed to monitor and/or report nitrate and nitrite levels to the TCEQ for the annual monitoring period from 01/01/2021 to 12/31/2021 within the required timeline. ETT Point Value = 5; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 02/24/2021	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.108(e) 30 TAC Chapter 290, SubChapter F 290.108(f)(3) 30 TAC Chapter 290, SubChapter F 290.108(f)(4)	
Description:	RAD MR 3Q2021 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2021 to 09/30/2021 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 08/18/2021	

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
 30 TAC Chapter 290, SubChapter F 290.107(c)(2)  
 30 TAC Chapter 290, SubChapter F 290.107(e)  
 Description: VOC MR YR2021 - The system failed to monitor and/or report volatile organic  
 contaminants levels to the TCEQ for the annual monitoring period from  
 01/01/2021 to 12/31/2021 within the required timeline. ETT Point Value = 1;  
 SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 02/24/2021

**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

**Component Appendices**

**Appendix A**

**All NOV's Issued During Component Period 4/18/2017 and 4/18/2022**

1 Date: 01/27/2020 (1809827)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
 30 TAC Chapter 290, SubChapter F 290.108(e)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)  
 Description: RAD MR 3Q2019 - The system failed to monitor and/or report radionuclide  
 levels to the TCEQ for the quarterly monitoring period from 07/01/2019 to  
 09/30/2019 within the required timeline. ETT Point Value = 1;  
 SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 07/10/2019

2 Date: 02/27/2020 (1633591)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: GA MCL 4Q2019 - During the 4th quarter of 2019 the system violated the  
 maximum contaminant level for gross alpha with a RAA of 16 pCi/L.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: GA MCL 3Q2019 - During the 3rd quarter of 2019 the system violated the  
 maximum contaminant level for gross alpha with a RAA of 16 pCi/L.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: GA MCL 2Q2019 - During the 2nd quarter of 2019 the system violated the  
 maximum contaminant level for gross alpha with a RAA of 18 pCi/L.

3 Date: 01/28/2021 (1809827)

Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
 30 TAC Chapter 290, SubChapter F 290.108(e)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)  
 Description: RAD MR 2Q2020 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2020 to 06/30/2020 within the required timeline. ETT Point Value = 1;  
 SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 05/21/2020

4 Date: 01/29/2021 (1809827)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter F 290.117(i)(6)  
 30 TAC Chapter 290, SubChapter F 290.117(j)  
 Description: LCR LCN 06/01/2020 to 09/30/2020- The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the reduced monitoring period from 01/01/2020 to 12/31/2020. ETT Point Value = 1

5 Date: 03/31/2021 (1809827)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
 30 TAC Chapter 290, SubChapter F 290.108(e)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)  
 Description: RAD MR 3Q2020 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2020 to 09/30/2020 within the required timeline. ETT Point Value = 1;  
 SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 08/17/2020

6 Date: 05/28/2021 (1809827)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
 30 TAC Chapter 290, SubChapter F 290.108(e)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)  
 Description: RAD MR 4Q2020 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2020 to 12/31/2020 within the required timeline. ETT Point Value = 1;  
 SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 11/12/2020

7 Date: 11/22/2021 (1809827)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
 30 TAC Chapter 290, SubChapter F 290.108(e)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)  
 Description: RAD MR 2Q2021 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2021 to 06/30/2021 within the required timeline. ETT Point Value = 1;  
 SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 05/06/2021

8 Date: 03/24/2022 (1809827)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
 30 TAC Chapter 290, SubChapter F 290.106(c)(4)  
 30 TAC Chapter 290, SubChapter F 290.106(c)(9)  
 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MTL MR 3Y2021 - The system failed to monitor and/or report metal levels to the TCEQ for the triennial monitoring period from 01/01/2019 to 12/31/2021 within the required timeline. ETT Point Value = 1;  
SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 02/24/2021

Self Report? NO Classification: Moderate

Citation:  
30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.106(c)(6)  
30 TAC Chapter 290, SubChapter F 290.106(c)(7)  
30 TAC Chapter 290, SubChapter F 290.106(c)(9)  
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO32 MR YR2021- The system failed to monitor and/or report nitrate and nitrite levels to the TCEQ for the annual monitoring period from 01/01/2021 to 12/31/2021 within the required timeline. ETT Point Value = 5;  
SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 02/24/2021

Self Report? NO Classification: Moderate

Citation:  
30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 3Q2021 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2021 to 09/30/2021 within the required timeline. ETT Point Value = 1;  
SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 08/18/2021

Self Report? NO Classification: Moderate

Citation:  
30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.107(c)(2)  
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR YR2021 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2021 to 12/31/2021 within the required timeline. ETT Point Value = 1;  
SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 02/24/2021

\* NOV's applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

## Appendix B

### All Investigations Conducted During Component Period April 18, 2017 and April 18, 2022

Item 1*	April 24, 2018	(1481065)
Item 2*	May 08, 2018	(1483721)
Item 3*	February 11, 2020**	(1624562)
Item 4	March 09, 2020**	(1633591)
Item 5	March 13, 2020**	(1633833)
Item 6*	April 14, 2021**	(1707182)
Item 7	April 13, 2022**	(1809827)
Item 8	April 15, 2022**	(1810138)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TROY G. WALLER DBA ROCKWELL  
ACRES WATER SYSTEM;  
RN101451565

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER

DOCKET NO. 2022-0456-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. WATER CODE ch. 5, 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(s). The respondent made the subject of this Order is Troy G. Waller dba Rockwell Acres Water System ("Respondent").

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

### FINDINGS OF FACT

1. Respondent owns and operates a public water system ("PWS") located at 16010 Hammon Street in Amarillo, Randall County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 61 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During an investigation and record review conducted from April 4, 2022, through April 15, 2022, an investigator documented that Respondent:
  - a. Failed to provide the results of nitrate/nitrite and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the January 1, 2021 through December 31, 2021 monitoring period;
  - b. Failed to provide the results of radionuclides sampling to the Executive Director for the second through fourth quarters of 2020, and the second and third quarters of 2021;
  - c. Failed to provide the results of metals sampling to the Executive Director for the January 1, 2019 through December 31, 2021 monitoring period;
  - d. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with a certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2020 through December 31, 2020 monitoring period; and
  - e. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91910004 for Fiscal Years 2021 and 2022.

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 Troy G. Waller dba Rockwell Acres Water System” (the “EDPRP”) in the TCEQ Chief Clerk’s office on June 22, 2023.
4. By letter dated June 22, 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 June 29, 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 provide the results of nitrate/nitrite and VOC contaminants sampling to the Executive Director for the January 1, 2021 through December 31, 2021 monitoring period, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide the results of radionuclides sampling to the Executive Director for the second through fourth quarters of 2020 and the second and third quarters of 2021, in violation of 30 TEX. ADMIN. CODE § 290.108(e).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the results of metals sampling to the Executive Director for the January 1, 2019 through December 31, 2021 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with a certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1 2020 through December 31, 2020 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91910004 for Fiscal Years 2021 and 2022, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
7. 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).
8. 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.
9. 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.



10. An administrative penalty in the amount of \$7,200 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
11. 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 \$7,200 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: Troy G. Waller dba Rockwell Acres Water System; Docket No. 2022-0456-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. Ensure that all delinquent drinking water chemical analysis results for metals, radionuclides, VOC contaminants, and nitrate/nitrite are reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE §§ 290.106, 290.107, and 290.108;
    - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for metals, radionuclides, VOC contaminants, and nitrate/nitrite are released by the Facility's laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the PWS, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance 30 TEX. ADMIN. CODE §§ 290.106, 290.107, and 290.108;
    - iii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2020 through December 31, 2020, monitoring period. Submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117;

- iv. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91910004. The payment shall be sent with the notation "Troy G. Waller dba Rockwell Acres Water System, Financial Administration Account No. 91910004" to the following address:

Financial Administration Division, Revenue Section  
Attention Cashier's Office, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-308

- b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.iii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, 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 certification 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:

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.
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.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF MISTY JAMES

"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 Troy G. Waller dba Rockwell Acres Water System' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on June 22, 2023.

The EDPRP was mailed to Respondent's last known address on June 22, 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 June 29, 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 Misty James, 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 \_\_\_\_16<sup>th</sup>\_\_\_\_ day of \_\_\_\_\_July\_\_\_\_\_, 2024

A handwritten signature in black ink, appearing to read "Misty James", written over a horizontal line.

Declarant