| Order Type: | |
|--|--|
| Default Order | |
| Media: PWS | |
| Small Business: Yes | |
| Location(s) Where Violation(s) Occurred: 16010 Hammon Street, Amarillo, Randall Co | unty |
| Type of Operation: public water supply | |
| Other Significant Matters: Additional Pending Enforcement Actions: Past-Due Penalties: Past-Due Fees: Other: Interested Third-Parties: | Yes, 2022-1330-UTL-E; 2023-1775-PWS-E None \$3,276.88 None None |
| Texas Register Publication Date: | August 9, 2024 |
| Comments Received: | None |
| | |
| Per | nalty Information |
| <u>Per</u> Total Penalty Assessed: | s7,200 |
| | |
| Total Penalty Assessed: | \$7,200 |
| Total Penalty Assessed: Total Paid to General Revenue: | \$7,200 \$0 |
| Total Penalty Assessed: Total Paid to General Revenue: Total Due to General Revenue: Compliance History Classifications: | \$7,200 \$0 |
| Total Penalty Assessed: Total Paid to General Revenue: Total Due to General Revenue: Compliance History Classifications: Person/CN - N/A; Site/RN - N/A | \$7,200 \$0 \$7,200 |
| Total Penalty Assessed: Total Paid to General Revenue: Total Due to General Revenue: Compliance History Classifications: Person/CN - N/A; Site/RN - N/A Major Source: | \$7,200 \$0 \$7,200 No |
| Total Penalty Assessed: Total Paid to General Revenue: Total Due to General Revenue: Compliance History Classifications: Person/CN - N/A; Site/RN - N/A Major Source: Statutory Limit Adjustment: Applicable Penalty Policy: | \$7,200 \$0 \$7,200 No None |
| Total Penalty Assessed: Total Paid to General Revenue: Total Due to General Revenue: Compliance History Classifications: Person/CN - N/A; Site/RN - N/A Major Source: Statutory Limit Adjustment: Applicable Penalty Policy: | \$7,200 \$0 \$7,200 No None January 28, 2021 |
| Total Penalty Assessed: Total Paid to General Revenue: Total Due to General Revenue: Compliance History Classifications: Person/CN - N/A; Site/RN - N/A Major Source: Statutory Limit Adjustment: Applicable Penalty Policy: <u>Invest</u> | \$7,200 \$0 \$7,200 No None January 28, 2021 <i>igation Information</i> |
| Total Penalty Assessed: Total Paid to General Revenue: Total Due to General Revenue: Compliance History Classifications: Person/CN - N/A; Site/RN - N/A Major Source: Statutory Limit Adjustment: Applicable Penalty Policy: Invest Complaint Date(s): | \$7,200 \$0 \$7,200 No None January 28, 2021 <i>igation Information</i> N/A |
| Total Penalty Assessed:Total Paid to General Revenue:Total Due to General Revenue:Compliance History Classifications: Person/CN - N/A; Site/RN - N/AMajor Source:Statutory Limit Adjustment: Applicable Penalty Policy:InvestComplaint Date(s): Date(s) of Investigation: | \$7,200 \$0 \$7,200 No None January 28, 2021 <i>igation Information</i> N/A April 4, 2022 through 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

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

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| Policy Re | Pe evision 5 (January 28 | - | Iculatio | n Workst | neet (PC | - | vision February 11, 202. |
|--|--|-------------------|-------------------|--|------------------|----------------|--------------------------|
| DATES Assigned PCW | 18-Apr-2022 21-Apr-2022 | Screening | 19-Apr-2022 | | 30-Jun-2022 | I | |
| RESPONDENT/FACILI | | | | | 50-5411-2022 | | |
| Respondent | Troy G. Waller d | | res Water Sys | stem | | | |
| Reg. Ent. Ref. No. Facility/Site Region | | | | Major/M | linor Source | Minor | |
| CASE INFORMATION | | | | | | | |
| Enf./Case ID No. | | | | No. c | of Violations | 5 | |
| Docket No. Media Program(s) | 2022-0456-PWS | | | Government | Order Type | | |
| Multi-Media | | ,piy | | | , Coordinator | Ecko Beggs | |
| Admin. Penalty \$ L | .imit Minimum | \$50 N | laximum | \$5,000 | EC's Team | Enforcement T | eam 2 |
| ,,, | | | | | | | |
| | | - | | tion Section | on | | |
| TOTAL BASE PENA | LTY (Sum of | violation b | ase penal | ties) | | Subtotal 1 | \$4,500 |
| ADJUSTMENTS (+, | /-) TO SUBTO | TAL 1 | nalty (Cubtotal 1 |) by the indicated p | orcontogo | | |
| Compliance His | | the rotal base Pe | 60.0% | Adjustment | | tals 2, 3, & 7 | \$2,70 |
| Notes | | containing a d | | me/similar viola ty, and one agr bility. | , | | |
| Culpability | No | | 0.0% | Enhancement | | Subtotal 4 | \$(|
| Notes | The Re | spondent does | not meet the | culpability crite | eria. | | |
| Good Faith Effe | ort to Comply T | otal Adjustme | ents | | | Subtotal 5 | \$(|
| | | | | | | | |
| Economic Bene Estimated | efit Total EB Amounts Cost of Compliance | \$192 \$1,822 | | Enhancement* d at the Total EB \$ / | Amount | Subtotal 6 | \$(|
| SUM OF SUBTOTAL | LS 1-7 | | | | E | inal Subtotal | \$7,200 |
| OTHER FACTORS A | AS JUSTICE M | AY REQUIE | RE | 0.0% | | Adjustment | \$1 |
| Reduces or enhances the Final | | | | | |] | · · |
| Notes | | | | | | | |
| | | | | | Final Pen | alty Amount | \$7,200 |
| STATUTORY LIMIT | | IT | | | Final Asse | ssed Penalty | \$7,200 |
| DEFERRAL | | | | 0.0% | Reduction | Adjustment | \$(|
| Reduces the Final Assessed Pe | nalty by the indicated | percentage. | | | | 1 | · · · |
| Notes | No d | eferral is recor | nmended for | Findings Orders | 5. | | |
| PAYABLE PENALTY | 1 | | | | | | \$7,200 |

| | 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% | |
| | | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% | |
| | Orders | 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 | 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% | |
| | Decrees | 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 (number of events) | 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 (number of audits for which notices were submitted) | 0 | 0% | |
| | Addits | 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% | |
| | | | | | |
| | | Environmental management systems in place for one year or more | No | 0% | |
| | Other | 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 Per | rcentage (Sub | total 2) | 60% |
| >> Re | peat Violator | (Subtotal 3) | | | |
| | N/A | Adjustment Per | rcentage (Sub | total 3) | 0% |
| >> Co | mpliance Hist | ory Person Classification (Subtotal 7) | | | |
| | N/A | Adjustment Per | rcentage (Sub | total 7) | 0% |
| >> Co | mpliance Hist | ory Summary | | | |
| | Compliance History Notes | Enhancement for three NOVs with the same/similar violations, one agreed order denial of liability, and one agreed order without a denial of liability | | | |
| | | Total Compliance History Adjustment Percentage (| Subtotals 2, | 3, & 7) | 60% |
| >> Fina | al Compliance | History Adjustment Final Adjustment Percent | ade *canned : | at 100% | 60% |
| | | | -ge supped (| | 0070 |

Media Public Water Supply

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Number

Adjust.

Docket No. 2022-0456-PWS-E

Screening Date 19-Apr-2022 Respondent Troy G. Waller dba Rockwell Acres Water System

Case ID No. 62222

Reg. Ent. Reference No. RN101451565

Enf. Coordinator Ecko Beggs

PCW

Compliance History Site Enhancement (Subtotal 2) Component Number of...

| | | ening Date | | | | ket No. 2022-0456-PWS-E | | | PCW |
|----------|----------|-----------------------------|-------------------------------|-------------------------|-----------------|----------------------------------|-------------|----------------|------------------|
| | | | Troy G. Waller | dba Rockwell | Acres Water | System | Policy F | Revision 5 (Ja | anuary 28, 2021) |
| Dee | | ase ID No. | | | | | PCV | V Revision Fe | ebruary 11, 2021 |
| Reg. | Ent. Kei | | RN101451565 Public Water S | | | | | | |
| | Enf. C | Coordinator | | uppiy | | | | | |
| | | tion Number | | 1 | | | | | |
| | | Rule Cite(s) | | | | | | | |
| | | | | 30 Tex. Admir | n. Code §§ 2 | 90.106(e) and 290.107(e) | | | |
| | | | | | | | | | |
| | | | Failed to n | rovide the resu | ults of nitrate | e/nitrite and volatile organic c | hemical | | |
| | Violatio | n Description | | | | ecutive Director for the Janua | | | |
| | | | | through De | cember 31, 2 | 2021 monitoring period. | | | |
| | | | | | | | | | |
| | | | | | | B - | | - | ¢E 000 |
| | | | | | | Ва | se Penalty | | \$5,000 |
| >> Env | vironme | ntal, Prope | rty and Hum | nan Health | Matrix | | | | |
| | | Release | Major | Harm Moderate | Minor | | | | |
| OR | | Actual | | Hoderate | MINU | | | | |
| _ | | Potential | | | | Percent 0.0% | 0 | | |
| | | | | | | | - | | |
| >>Pro | gramma | tic Matrix Falsification | Major | Moderate | Minor | | | | |
| | | | x | | Phillip | Percent 10.0% | | | |
| | | | | | | | | | |
| | Matrix | | | | | | | | |
| | Notes | | 100 |)% of the rule i | requirements | s were not met. | | | |
| | | | | | | | | | |
| | | | | | | Adjustment | \$4,500 | ľ | |
| | | | | | | | | - | ¢500 |
| | | | | | | | | | \$500 |
| Violatio | on Even | ts | | | | | | | |
| | | Number of V | /iolation Events | 2 | ī | 99 Number of violatio | n dave | | |
| | | Number of V | | 2 | Ľ | | ii uays | | |
| | | | daily | | | | | | |
| | | | weekly | | | | | | |
| | | | monthly quarterly | | | Violation Ba | se Penaltv | | \$1,000 |
| | | | semiannual | | | | oe i enaity | | <i></i> |
| | | | annual | | | | | | |
| | | | single event | x | | | | | |
| | | | | | | | | | |
| | | | Two single | events are reco | ommended (| one event per sample). | | | |
| | | | | | | | | | |
| Good F | aith Eff | orts to Com | nlv | 0.0% | | | Reduction | | \$0 |
| | | | I | Before NOE/NOV | NOE/NOV to E | OPRP/Settlement Offer | Reduction | | |
| | | | Extraordinary | | | | | | |
| | | | Ordinary | | | | | | |
| | | | N/A | <u> </u> | | | ٦ | | |
| | | | Notes | The Respond | | t meet the good faith criteria | | | |
| | | | | | for this | s violation. | | | |
| | | | | | | Vieletie | - | | ¢1.000 |
| | | | | | | violatio | n Subtotal | | \$1,000 |
| Econor | nic Bene | efit (EB) for | [.] this violati | on | | Statutory Lim | it Test | | |
| | | Estimate | ed EB Amount | | \$6 | Violation Final Per | nalty Total | | \$1,600 |
| | | | | This violat | ion Final A | ssessed Penalty (adjusted | for limite) | | \$1,600 |
| | | | | | | ssessed renaity (aujusteu | ior milito) | | φ1,000 |

| | E | conomic | Benefit | Woi | rksheet | | |
|-------------------------------|---|---|--|---|---|--|------------------------------|
| | | dba Rockwell Acr | es Water Syster | n | | | |
| Case ID No. | | | | | | | |
| Reg. Ent. Reference No. | | | | | | | Years of |
| Violation No. | Public Water S | ирріу | | | | Percent Interest | Depreciation |
| | 1 | | | | | 5.0 | 15 |
| | Thom Cost | Date Deguined | Final Date | Vera | Interest Saved | Costs Saved | EB Amount |
| Itom Description | | Date Required | Final Date | TIS | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | <u> </u> | | | 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 | | 29-Nov-2022 | | \$3 | n/a implement improve | \$3 |
| Notes for DELAYED costs | sample result The Othe nitrate/nitrit | s are released by from the r r delayed cost ind e, and \$56.77 for | the Facility's lab ecord review dat cludes the estima VOC contamina | ooratorie te to the ated am ints) so | es and reported to e estimated date o nount to pay any o that the lab will re mpling results were | nsure that future dr the Executive Direct f compliance. utstanding lab fees lease all drinking w e due to the estimat | (\$8.74 for ater chemical |
| Avoided Costs | ANNU | ALIZE avoided o | osts before en | tering | item (except for | one-time avoided | l 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 |

| Case ID No. | Troy G. Waller dba Rockwell 62222 | Docket No. 2022-0456-PWS-E Acres Water System | PCW Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 |
|----------------------------------|---|---|---|
| Reg. Ent. Reference No. Media | RN101451565 Public Water Supply | | |
| Enf. Coordinator | | | |
| Violation Number | 2 | | |
| Rule Cite(s) | 30 - | Tex. Admin. Code § 290.108(e) | |
| Violation Description | | s of radionuclides sampling to the Executive Dir quarters of 2020, and the second and third qua 2021. | |
| | | Base | Penalty \$5,000 |
| >> Environmental, Prope | rty and Human Health | Matrix | |
| | Harm | | |
| OR Actua | | Minor | |
| Potentia | | Percent 0.0% | |
| | | | |
| >>Programmatic Matrix | | | |
| Falsification | Major Moderate | Minor Percent 10.0% | |
| | | | |
| Mahata | | | |
| Matrix Notes | 100% of the rule | e requirements were not met. | |
| | | | |
| | | Adjustment | \$4,500 |
| | | | |
| | | | \$500 |
| Violation Events | | | |
| | | | |
| Number of | Violation Events 5 | 648 Number of violation of | Jays |
| | daily weekly monthly quarterly | Violation Base | Penalty \$2,500 |
| | semiannual | _ | |
| | single event x | | |
| | - | | |
| Five single ev | ents are recommended (one e | event for each sample result of each monitoring | g period). |
| Good Faith Efforts to Con | | | Reduction \$0 |
| | Before NOE/NOV Extraordinary | NOE/NOV to EDPRP/Settlement Offer | |
| | Ordinary | | |
| | | | |
| | | dent does not meet the good faith criteria for this violation. | |
| | | Violation | Subtotal \$2,500 |
| Economic Benefit (EB) fo | r this violation | Statutory Limit | |
| LCONOMIC Bellent (EB) TO | | | |
| Estimat | ed EB Amount | \$174 Violation Final Pena | Ity Total \$4,000 |
| | | | • |

| Case ID No. | | | | | | | |
|---|--|--|---|--|---|---|---|
| Reg. Ent. Reference No. | | | | | | | |
| | Public Water S | | | | | Percent Interest | Years of Depreciation |
| Violation No. | 2 | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | [| | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| 0 (| | | | | | | |
| Other (as needed) | guidance, | ng/Sampling delay training, and/or or | versight to ensu ratories and rep | 2.41 ment in re that orted to | \$174 nprovements to th future drinking wa the Executive Dire | e Facility's process ter chemical sample ector is captured in | \$174 procedures, e results are |
| Other (as needed) Notes for DELAYED costs | The Trainir guidance, f released by The Other radionuclide | ng/Sampling delay training, and/or or the Facility's labor delayed cost incluss s x five monitorin | ved cost to imple versight to ensu ratories and repo Benefit Work udes the estimat g periods), so th | 2.41 ement in re that orted to scheet for red amo nat the the sam | \$174 nprovements to th future drinking wa the Executive Dire or Violation No. 1. unt to pay any ou lab will release all pling results were | n/a e Facility's process ter chemical sample | \$174 procedures, e results are the Economic \$287.73 for nical analysis |
| Notes for DELAYED costs | The Trainir guidance, f released by The Other radionuclide results, | ng/Sampling delay training, and/or or the Facility's labor delayed cost incluss x five monitorin calculated from th | ved cost to imple versight to ensu ratories and rep Benefit Work udes the estimat g periods), so the earliest date to | 2.41 ment in re that orted to scheet for at the che sam complia | \$174 nprovements to th future drinking wa the Executive Dirr or Violation No. 1. unt to pay any ou lab will release all pling results were ance. | n/a e Facility's process ter chemical sample ector is captured in tstanding lab fees (s drinking water chen due to the estimate | \$174 procedures, e results are the Economic \$287.73 for nical analysis d date of |
| Notes for DELAYED costs Avoided Costs | The Trainir guidance, f released by The Other radionuclide results, | ng/Sampling delay training, and/or or the Facility's labor delayed cost incluss x five monitorin calculated from th | ved cost to imple versight to ensu ratories and rep Benefit Work udes the estimat g periods), so the earliest date to | 2.41 ment in re that orted to scheet for red amo nat the the sam complia tering | \$174 nprovements to th future drinking wa the Executive Dirr or Violation No. 1. unt to pay any ou lab will release all pling results were ance. item (except for | n/a e Facility's process ter chemical sample ector is captured in tstanding lab fees (s drinking water chen due to the estimate one-time avoided | \$174 procedures, e results are the Economic \$287.73 for nical analysis ed date of I costs) |
| Notes for DELAYED costs | The Trainir guidance, f released by The Other radionuclide results, | ng/Sampling delay training, and/or or the Facility's labor delayed cost incluss x five monitorin calculated from th | ved cost to imple versight to ensu ratories and rep Benefit Work udes the estimat g periods), so the earliest date to | 2.41 ment in re that to orted to scheet for red amo nat the he sam complia tering 0.00 | \$174 nprovements to th future drinking wa the Executive Dire or Violation No. 1. unt to pay any our lab will release all pling results were ance. item (except for \$0 | n/a e Facility's process ter chemical sample ector is captured in tstanding lab fees (s drinking water chen due to the estimate one-time avoidec \$0 | \$174 procedures, e results are the Economic \$287.73 for nical analysis ed date of 1 costs) \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | The Trainir guidance, f released by The Other radionuclide results, | ng/Sampling delay training, and/or or the Facility's labor delayed cost incluss x five monitorin calculated from th | ved cost to imple versight to ensu ratories and rep Benefit Work udes the estimat g periods), so the earliest date to | 2.41 ment ir re that orted to scheet for the sam <u>complia</u> tering 0.00 0.00 | \$174 nprovements to th future drinking wa the Executive Dire or Violation No. 1. unt to pay any our lab will release all pling results were ance. item (except for \$0 \$0 | n/a e Facility's process ter chemical sample ector is captured in tstanding lab fees (s drinking water chen due to the estimate one-time avoidec \$0 \$0 | \$174 procedures, a results are the Economic \$287.73 for nical analysis ad date of I costs) \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling | The Trainir guidance, f released by The Other radionuclide results, | ng/Sampling delay training, and/or or the Facility's labor delayed cost incluss x five monitorin calculated from th | ved cost to imple versight to ensu ratories and rep Benefit Work udes the estimat g periods), so the earliest date to | 2.41 ment ir re that orted to scheet for the sam complia tering 0.00 0.00 | \$174 nprovements to th future drinking wa the Executive Dire priviolation No. 1. unt to pay any our lab will release all pling results were ance. \$0 \$0 \$0 \$0 \$0 | n/a e Facility's process ter chemical sample ector is captured in tstanding lab fees (s drinking water chen due to the estimate one-time avoidec \$0 \$0 \$0 | \$174 procedures, e results are the Economic \$287.73 for nical analysis ed date of i costs) \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | The Trainir guidance, f released by The Other radionuclide results, | ng/Sampling delay training, and/or or the Facility's labor delayed cost incluss x five monitorin calculated from th | ved cost to imple versight to ensu ratories and rep Benefit Work udes the estimat g periods), so the earliest date to | 2.41 ment in re that orted to sheet for ed amo nat the the sam <u>complia</u> tering 0.00 0.00 0.00 | \$174 nprovements to the future drinking want the Executive Director or Violation No. 1. unt to pay any our lab will release all pling results were ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 | n/a e Facility's process ter chemical sample ector is captured in tstanding lab fees (s drinking water chen due to the estimate one-time avoidec \$0 \$0 \$0 \$0 | \$174 procedures, e results are the Economic \$287.73 for nical analysis ad date of 1 costs) \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment | The Trainir guidance, f released by The Other radionuclide results, | ng/Sampling delay training, and/or or the Facility's labor delayed cost incluss x five monitorin calculated from th | ved cost to imple versight to ensu ratories and rep Benefit Work udes the estimat g periods), so the earliest date to | 2.41 ment in re that orted to sheet for he sam <u>complia</u> tering 0.00 0.00 0.00 0.00 | \$174 nprovements to the future drinking want the Executive Direction or Violation No. 1. unt to pay any our ab will release all pling results were ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a e Facility's process ter chemical sample ector is captured in tstanding lab fees (s drinking water chen due to the estimate one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$174 procedures, e results are the Economic \$287.73 for nical analysis ed date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The Trainir guidance, f released by The Other radionuclide results, | ng/Sampling delay training, and/or or the Facility's labor delayed cost incluss x five monitorin calculated from th | ved cost to imple versight to ensu ratories and rep Benefit Work udes the estimat g periods), so the earliest date to | 2.41 ment in re that orted to sheet for ed amo nat the the sam <u>complia</u> tering 0.00 0.00 0.00 | \$174 nprovements to the future drinking want the Executive Director or Violation No. 1. unt to pay any our lab will release all pling results were ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 | n/a e Facility's process ter chemical sample ector is captured in tstanding lab fees (s drinking water chen due to the estimate one-time avoidec \$0 \$0 \$0 \$0 | \$174 procedures, e results are the Economic \$287.73 for nical analysis ad date of 1 costs) \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The Trainir guidance, f released by The Other radionuclide results, | ng/Sampling delay training, and/or or the Facility's labor delayed cost incluss x five monitorin calculated from th | ved cost to imple versight to ensu ratories and rep Benefit Work udes the estimat g periods), so the earliest date to | 2.41 ment in re that or orted to casheet for dead among the sam complia tering 0.00 0.00 0.00 0.00 0.00 | \$174 nprovements to the future drinking want the Executive Direction or Violation No. 1. The to pay any out ab will release all pling results were ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a e Facility's process ter chemical sample ector is captured in testanding lab fees (s drinking water chen due to the estimate one-time avoidec \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$174 procedures, a results are the Economic \$287.73 for nical analysis d date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| | Screening Date | | PCW |
|-------------|--------------------------------------|---|--|
| | Case ID No. | | y Revision 5 (January 28, 2021) CW Revision February 11, 2021 |
| Reg. Ent | . Reference No. | RN101451565 | |
| - | | Public Water Supply | |
| E | Inf. Coordinator Violation Number | Ecko Beggs | |
| | Rule Cite(s) | 30 Tex. Admin. Code § 290.106(e) | |
| | | 50 Tex. Admin. Code § 250.100(e) | _ |
| | | | |
| Vie | olation Description | Failed to provide the results of metals sampling to the Executive Director for the January 1, 2019 through December 31, 2021 monitoring period. | |
| | | Sandary 1, 2019 through December 51, 2021 monitoring period. | |
| | l | | |
| | | Base Penalt | \$5,000 \$5,000 |
| >> Enviro | nmental, Proper | ty and Human Health Matrix | |
| | Release | Harm Major Moderate Minor | |
| OR | Actual | | |
| | Potential | Percent 0.0% | |
| >>Progra | mmatic Matrix | | |
| J | Falsification | Major Moderate Minor | |
| | | x Percent 10.0% | |
| | | | 7 |
| | atrix otes | 100% of the rule requirements were not met. | |
| | | | |
| | | Adjustment \$4,50 | 0 |
| | | | \$500 |
| Violetion | | | |
| Violation E | Events | | |
| | Number of V | iolation Events 1 99 Number of violation days | |
| | | daily | |
| | | weekly | |
| | | monthly Vielation Race Densit | v \$500 |
| | | quarterly Violation Base Penalt | y \$500 |
| | | annual | |
| | | single event x | |
| | | | 7 |
| | | One single event is recommended. | |
| | | | |
| Good Faith | h Efforts to Com | | n \$0 |
| | | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | |
| | | Ordinary | |
| | | N/A x | |
| | | The Respondent does not meet the good faith criteria for | |
| | | Notes Notes the respondent does not need the good later enterna for this violation. | |
| | | Violation Subtota | al \$500 |
| Economic | Benefit (EB) for | this violation Statutory Limit Test | |
| | | | |
| | Estimate | ed EB Amount \$7 Violation Final Penalty Tota | |
| | | This violation Final Assessed Penalty (adjusted for limits | \$800 |

| | E | conomic | Benefit ' | Wor | rksheet | | |
|---|----------------|------------------|------------------|--|---|--|--|
| Respondent | | dba Rockwell Acr | | | | | |
| Case ID No. | 62222 | | | | | | |
| Reg. Ent. Reference No. | RN101451565 | | | | | | |
| | Public Water S | | | | | Percent Interest | Years of Depreciation |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | Bute Required | That Duce | | | | LD / line une |
| Item Description | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | · | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | ¦ | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | 1 1 | | 0.00 | \$0 | \$0 \$0 | \$0 |
| Land | | 1 | | 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 |
| Notes for DELAYED costs | | , | udes the esimate | | or Violation No. 1. unt to pay any out | standing lab fees (\$ | |
| | | | - | | | sults, calculated fro | |
| | | sampling | results were due | e to the | estimated date of | sults, calculated fro compliance. | m the date the |
| Avoided Costs | | sampling | results were due | e to the tering | estimated date of item (except for | esults, calculated fro compliance. | m the date the |
| Disposal | | sampling | results were due | e to the tering 0.00 | estimated date of item (except for \$0 | sults, calculated fro compliance. one-time avoided \$0 | m the date the l costs) \$0 |
| Disposal Personnel | | sampling | results were due | e to the tering 0.00 0.00 | estimated date of item (except for \$0 \$0 | sults, calculated fro compliance. one-time avoided \$0 \$0 | m the date the costs) \$0 \$0 |
| Disposal Personnel nspection/Reporting/Sampling | | sampling | results were due | e to the tering 0.00 0.00 0.00 | estimated date of item (except for \$0 \$0 \$0 | sults, calculated fro compliance. one-time avoided \$0 \$0 \$0 | m the date the costs) \$0 \$0 \$0 |
| Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | | sampling | results were due | to the 0.00 0.00 0.00 0.00 0.00 | estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 | sults, calculated fro compliance. one-time avoided \$0 \$0 \$0 \$0 \$0 | m the date the \$0 \$0 \$0 \$0 \$0 |
| Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | | sampling | results were due | to the tering 0.00 0.00 0.00 0.00 0.00 | estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | sults, calculated fro compliance. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | m the date the \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | | sampling | results were due | to the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | sults, calculated fro compliance. one-time avoidec \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | m the date the solution soluto |
| Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance | | sampling | results were due | to the tering 0.00 0.00 0.00 0.00 0.00 | estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | sults, calculated fro compliance. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | m the date the \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| | R | ening Date espondent ase ID No. | Troy G. Waller dba Rockwell Acres Water System Polic | PCW y Revision 5 (January 28, 2021) PCW Revision February 11, 2021 |
|----------|-----------------|---------------------------------------|--|--|
| Reg. | Ent. Ref | erence No. Media | RN101451565 Public Water Supply | |
| | | oordinator | | |
| | viola | tion Number | 4 | - |
| | | Rule Cite(s) | 30 Tex. Admin. Code § 290.117(i)(6) and (j) | |
| | Violatior | 1 Description | 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 th 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. | |
| | | | Base Penal | \$5,000 \$5,000 |
| >> Env | vironmer | ntal, Prope | ty and Human Health Matrix | |
| | | | Harm | |
| | | Release | Major Moderate Minor | |
| OR | | Actual | | |
| | | Potential | Percent 0.0% | |
| | | | | |
| >>Prog | gramma | tic Matrix Falsification | Major Moderate Minor | |
| | l l | Taisineation | x Percent 10.0% | |
| | Ľ | | | |
| | Matrix Notes | | 100% of the rule requirements were not met. | |
| | | | Adjustment \$4,50 | 10 |
| | | | Aujustment \$4,50 | |
| | | | | \$500 |
| | | | | _ |
| Violatio | on Event | S | | |
| | | Number of \ | iolation Events 1 474 Number of violation days | |
| | | | daily | t y \$500 |
| | | | One single event is recommended. | |
| Good E | aith Effo | orts to Com | DIV 0.0% Reduction | n \$0 |
| GOOU F | | | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary | 11 ⁴⁰ |
| | | | | |
| | | | Notes The Respondent does not meet the good faith criteria for this violation. | |
| | | | Violation Subtot | al \$500 |
| Econon | nic Bene | fit (EB) for | this violation Statutory Limit Test | |
| | | Ectimate | d EB Amount \$5 Violation Final Penalty Tot | al \$800 |
| | | LSUIIIdu | | μ φουυ |
| | | | This violation Final Assessed Penalty (adjusted for limits | \$800 |

| Media P Violation No. 4 | RN101451565 Public Water S | upply | | | | Percent Interest | Years of Depreciation |
|---|---|--|--|---|--|---|--|
| | | | | | | 5.0 | 1 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| | | | | | | | |
| Delayed Costs | | | | _ | | | |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | | | | |
| | | l cost includes th | | | | n/a he consumer notific | |
| Notes for DELAYED costs | The delayed January 1, 2 were sampled | l cost includes th 020 through Deco and to the TCEQ | e estimated amo ember 31, 2020 ((\$0.50 x five s | ount to monitor ample l | prepare and mail t ring period to perso ocations + \$50) x | | ation for the ocations which iod), calculated |
| Notes for DELAYED costs | The delayed January 1, 2 were sampled fror | l cost includes th 020 through Deco and to the TCEQ n the date the co | e estimated amo ember 31, 2020 ((\$0.50 x five s nsumer notificat | ount to monitor ample I cion was | prepare and mail t ring period to pers ocations + \$50) x due to the estima | he consumer notific ons served at the lo one monitoring per | ation for the ocations which iod), calculated nce. |
| Notes for DELAYED costs | The delayed January 1, 2 were sampled fror | l cost includes th 020 through Deco and to the TCEQ n the date the co | e estimated amo ember 31, 2020 ((\$0.50 x five s nsumer notificat | ount to monitor ample I cion was tering 0.00 | prepare and mail t ring period to pers ocations + \$50) x due to the estima item (except for \$0 | he consumer notific ons served at the lo one monitoring per ted date of complia one-time avoided \$0 | ation for the cations which iod), calculated ince. d costs) \$0 |
| Notes for DELAYED costs | The delayed January 1, 2 were sampled fror | l cost includes th 020 through Deco and to the TCEQ n the date the co | e estimated amo ember 31, 2020 ((\$0.50 x five s nsumer notificat | ount to monito ample I tion was tering 0.00 | prepare and mail t ring period to pers ocations + \$50) x due to the estima item (except for \$0 \$0 | he consumer notific ons served at the lo one monitoring per ted date of complia one-time avoide \$0 \$0 | ation for the poations which iod), calculated nce. d costs) \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Ispection/Reporting/Sampling | The delayed January 1, 2 were sampled fror | l cost includes th 020 through Deco and to the TCEQ n the date the co | e estimated amo ember 31, 2020 ((\$0.50 x five s nsumer notificat | ount to monitor ample l cion was tering 0.00 0.00 0.00 | prepare and mail t ring period to perso ocations + \$50) x due to the estima item (except for \$0 \$0 \$0 | he consumer notific ons served at the lo one monitoring per ted date of complia one-time avoided \$0 \$0 \$0 | cation for the cocations which iod), calculated ince. d costs) \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | The delayed January 1, 2 were sampled fror | l cost includes th 020 through Deco and to the TCEQ n the date the co | e estimated amo ember 31, 2020 ((\$0.50 x five s nsumer notificat | tering 0.00 0.00 0.00 0.00 0.00 0.00 | prepare and mail t ring period to pers ocations + \$50) x s due to the estima item (except for \$0 \$0 \$0 \$0 \$0 | he consumer notific ons served at the lo one monitoring per ted date of complia one-time avoide \$0 \$0 \$0 \$0 \$0 | ation for the ocations which iod), calculate ince. d costs) \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Ispection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed January 1, 2 were sampled fror | l cost includes th 020 through Deco and to the TCEQ n the date the co | e estimated amo ember 31, 2020 ((\$0.50 x five s nsumer notificat | tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0. | prepare and mail t ring period to perso ocations + \$50) x s due to the estima item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | he consumer notific ons served at the lo one monitoring per ted date of complia one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 | ation for the ocations which iod), calculate nce. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel hspection/Reporting/Sampling Supplies/Equipment | The delayed January 1, 2 were sampled fror | l cost includes th 020 through Deco and to the TCEQ n the date the co | e estimated amo ember 31, 2020 ((\$0.50 x five s nsumer notificat | unt to monitor ample I ion was tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | prepare and mail t ring period to perso ocations + \$50) x due to the estimation item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | he consumer notific ons served at the lo one monitoring per ted date of complia one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | ation for the cations which iod), calculated ince. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Ispection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed January 1, 2 were sampled fror | l cost includes th 020 through Deco and to the TCEQ n the date the co | e estimated amo ember 31, 2020 ((\$0.50 x five s nsumer notificat | tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0. | prepare and mail t ring period to perso ocations + \$50) x s due to the estima item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | he consumer notific ons served at the lo one monitoring per ted date of complia one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 | ation for the ocations which iod), calculate nce. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed January 1, 2 were sampled fror | l cost includes th 020 through Deco and to the TCEQ n the date the co | e estimated amo ember 31, 2020 ((\$0.50 x five s nsumer notificat | unt to monitor ample I ion was tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | prepare and mail t ring period to perso ocations + \$50) x due to the estimation item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | he consumer notific ons served at the lo one monitoring per ted date of complia one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | iod), c |

| | Screening Date | | 2-0456-PWS-E PCW | V |
|---------|-----------------------------------|--|----------------------------------|----------|
| | Respondent Case ID No. | roy G. Waller dba Rockwell Acres Water System | Policy Revision 5 (January 28, 2 | |
| Rea. | Ent. Reference No. | | PCW Revision February 11, | 2021 |
| | | Public Water Supply | | |
| | Enf. Coordinator | | | |
| | Violation Number Rule Cite(s) | 5 | | |
| | Rule Cite(S) | 30 Tex. Admin. Code § 290.51(a)(6) and Tex. Wa | ater Code § 5.702 | |
| | Violation Description | Failed to pay annual Public Health Service fees and/or an TCEQ Financial Administration Account No. 91910004 for 2022. | | |
| | | | Base Penalty \$5 | ,000 |
| >> Env | vironmental. Prope | y and Human Health Matrix | | |
| | | Harm | | |
| OR | Release Actual | Major Moderate Minor | | |
| ÖR | Potential | Per | cent 0.0% | |
| _ | | | · | |
| >>Pro | grammatic Matrix Falsification | Major Moderate Minor | | |
| | Faisincation | | cent 0.0% | |
| | | | | |
| | Matrix Notes | | | |
| | | | | |
| | | Adjusti | ment \$5,000 | |
| | | | | \$0 |
| Violati | on Events | | | |
| | Number of V | | abor of violation days | |
| | Number of | olation Events Nun | nber of violation days | |
| | | daily weekly monthly quarterly | Violation Base Penalty | \$0 |
| | | semiannual annual single event | | <u> </u> |
| | All penalties a | d fees will be determined by the Financial Administration cycle. | Division at the next billing | |
| Good F | aith Efforts to Com | ly 0.0% | Reduction | \$0 |
| | | Before NOE/NOV NOE/NOV to EDPRP/Settlement Of | er | |
| | | Extraordinary Ordinary | | |
| | | | | |
| | | Notes The Respondent does not meet the good f | aith criteria for | |
| | | | Violation Subtotal | \$0 |
| Econor | nic Benefit (EB) for | this violation Sta | tutory Limit Test | |
| | | | tion Final Penalty Total | \$0 |
| | Louinat | | | |
| | | This violation Final Assessed Pena | Ity (adjusted for limits) | \$0 |

| | E | conomic | Benefit | Wor | ksheet | | |
|-----------------------------------|----------------|------------------|----------------|--------|-------------------|-------------------|-------------------|
| Pesnondent | | dba Rockwell Acr | | - | | | |
| | , | | | | | | |
| Case ID No. | | | | | | | |
| Reg. Ent. Reference No. | | | | | | | |
| | Public Water S | Supply | | | | Percent Interest | Years of |
| Violation No. | 5 | | | | | r creent interest | Depreciation |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Vrc | Interest Saved | Costs Saved | EB Amount |
| The second station | Item cost | Date Required | That Date | 113 | Interest Saveu | costs Saveu | LD Amount |
| Item Description | | | | | | | |
| | | | | | | | |
| Delayed Costs | | | | - | | - | |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs Other (as needed) | | | | 0.00 | <u>\$0</u> \$0 | n/a n/a | <u>\$0</u> \$0 |
| Notes for DELAYED costs | | | | N/A | A | | |
| Avoided Costs | ANNU | ALIZE avoided co | osts before en | tering | item (except for | one-time avoided | l 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 | | | | N/A | A | | |
| Approx. Cost of Compliance | | \$0 | | | TOTAL | | \$0 |

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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, Respo or Owner/Operat | ndent, CN601819469, Troy G. Waller or: | Classification: NOT APPLICABLE | Rating: N/A |
|--|---|---|----------------------|
| Regulated Entity: | RN101451565, ROCKWELL ACRES WATER SYSTEM | Classification: NOT APPLICABLE | Rating: N/A |
| Complexity Point | s: N/A | Repeat Violator: N/A | |
| CH Group: | 14 - Other | | |
| Location: | 16010 HAMMON STREET IN AMARII | LO, RANDALL COUNTY, TEXAS | |
| TCEQ Region: | REGION 01 - AMARILLO | | |
| ID Number(s): PUBLIC WATER SY | STEM/SUPPLY REGISTRATION 1910004 | | |
| Compliance Histo | ry Period: September 01, 2018 to August | 31, 2023 Rating Year: 2023 Rat | ing Date: 09/01/2023 |
| Date Compliance | History Report Prepared: August 14 | 2024 | |
| Agency Decision | Requiring Compliance History: Enfo | rcement | |
| Component Perio | d Selected: April 18, 2017 to April 18, 2 | 022 | |
| TCEQ Staff Memb | er to Contact for Additional Informa | tion Regarding This Compliance Histo | ory. |
| Name: Ronica | Rodriguez Scott | Phone: (512) 239-2510 | |
| Components (M A. Final Orders, 1 Effective | Denial) Cation: Moderate | d in Sections A - J es: R 2016-2047-PWS-E (Findings Order-Agree 10(e)(4)(A) | ed Order Without |
| the TCE Classifie | Q for the second quarter of 2016 within the r cation: Moderate : 30 TAC Chapter 290, SubChapter F 290.1 30 TAC Chapter 290, SubChapter F 290.1 | d to monitor and/or report distribution disinfect required timeline. 17(c)(2)(C) 17(h) | tant residuals to |
| the TCE Classifie | • | d to monitor and/or report distribution lead an from 01/01/2013 to 12/31/2015 within the re | |

30 TAC Chapter 290, SubChapter H 290.271(b) Citation: 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 30 TAC Chapter 290, SubChapter H 290.271(b) Citation: 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 TCEO 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: DLOOR MR PN 202014 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 guarter 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. 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 guarter 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 guarter 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 guarter 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

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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? Citation: | NOClassification:Moderate30 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)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? Citation: | NOClassification:Moderate30 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)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? Citation: | NOClassification:Moderate30 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) |
| | Description: | 30 TAC Chapter 290, SubChapter F 290.106(e) 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; |
| | Self Report? | SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 02/24/2021 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? Citation: | NO Classification: Moderate 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 | 5(f)(4) | |
| | 30 TAC Chapter 290, SubChapter F 290.10 |)7(c)(2) | |
| | 30 TAC Chapter 290, SubChapter F 290.10 | 17(e) | |
| Description: | VOC MR YR2021 - The system failed to mo contaminants levels to the TCEQ for the ar 01/01/2021 to 12/31/2021 within the requ SAMPLE RESULTS NOT SUBMITTED, SAMP | nnual monitoring p ired timeline. ETT | eriod from Point Value = 1; |

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

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Component Appendices

Appendix A All NOVs Issued During Component Period 4/18/2017 and 4/18/2022

1 Date: 01/27/2020 (1809827)

| Dute. | 01/2 | .,2020 | (1005027) | | | |
|------------|------|--|--|--|--|---------------------|
| Self Repor | rt? | NO | | | Classification: | Moderate |
| Descriptio | n: | 30 TAC (30 TAC (30 TAC (RAD MR levels to 09/30/2 | Chapter 290, S Chapter 290, S Chapter 290, S 3Q2019 - The the TCEQ for 019 within the | SubChapter D 290.4 SubChapter F 290.10 SubChapter F 290.10 SubChapter F 290.10 system failed to me the quarterly monit required timeline. SUBMITTED, SAMP | 08(e) 08(f)(3) 08(f)(4) onitor and/or repor oring period from (ETT Point Value = |)7/01/2019 to 1; |
| Date: | 02/2 | 27/2020 | (1633591) | | | |
| Self Repor | rt? | NO | | | Classification: | Moderate |
| Descriptio | n: | 5A THSC GA MCL | C Chapter 341, 4Q2019 - Duri | SubChapter F 290.10 SubChapter A 341. ng the 4th quarter t level for gross alpl | .0315(c) of 2019 the system | |
| Self Repor | rt? | NO | | | Classification: | Moderate |
| Descriptio | n: | 5A THSC GA MCL | C Chapter 341, 3Q2019 - Duri | ubChapter F 290.10 SubChapter A 341. ng the 3rd quarter level for gross alpl | .0315(c) of 2019 the system | |
| Self Repor | rt? | NO | | | Classification: | Moderate |
| Descriptio | n: | 5A THSC GA MCL | C Chapter 341, 2Q2019 - Duri | ubChapter F 290.10 SubChapter A 341. ng the 2nd quarter : level for gross alpl | .0315(c) of 2019 the system | |

| Self Report? Citation: | NO | Classification: | Moderate |
|---------------------------|---|---|-----------------------|
| | 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter | F 290.108(e) F 290.108(f)(3) F 290.108(f)(4) | |
| Description: | RAD MR 2Q2020 - The system fa levels to the TCEQ for the quarte 06/30/2020 within the required t SAMPLE RESULTS NOT SUBMITTE | rly monitoring period from meline. ETT Point Value = | 04/01/2020 to = 1; |
| Date: 01/ | 29/2021 (1809827) | | |
| Self Report? Citation: | NO | Classification: | Moderate |
| Description: | 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter LCR LCN 06/01/2020 to 09/30/20 consumer notice of lead tap wate sites (taps) that were tested duri 01/01/2020 to 12/31/2020. ETT | F 290.117(j) 20- The system failed to p r monitoring results to pers ng the reduced monitoring | sons served at t |
| Date: 03/ | 31/2021 (1809827) | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter | F 290.108(e) | |
| Description: | 30 TAC Chapter 290, SubChapter RAD MR 3Q2020 - The system fa levels to the TCEQ for the quarte 09/30/2020 within the required t SAMPLE RESULTS NOT SUBMITTE | led to monitor and/or repo rly monitoring period from meline. ETT Point Value = | 07/01/2020 to = 1; |
| Date: 05/ | 28/2021 (1809827) | | |
| Self Report? Citation: | NO | Classification: | Moderate |
| | 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter | F 290.108(e) F 290.108(f)(3) F 290.108(f)(4) | |
| Description: | RAD MR 4Q2020 - The system fa levels to the TCEQ for the quarte 12/31/2020 within the required t SAMPLE RESULTS NOT SUBMITTE | rly monitoring period from meline. ETT Point Value = | 10/01/2020 to = 1; |
| Date: 11/ | 22/2021 (1809827) | | |
| Self Report? Citation: | NO | Classification: | Moderate |
| | 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter | F 290.108(e) F 290.108(f)(3) F 290.108(f)(4) | |
| Description: | RAD MR 2Q2021 - The system fa levels to the TCEQ for the quarte 06/30/2021 within the required t SAMPLE RESULTS NOT SUBMITTE | rly monitoring period from meline. ETT Point Value = | 04/01/2021 to = 1; |
| Date: 03/ | 24/2022 (1809827) | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter 30 TAC Chapter 290, SubChapter | F 290.106(c)(4) | |

| 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? Citation: | NO Classification: Moderate |
| | 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: | 20 TAC Chapter 200, SubChapter D 200, $4f(f)(4)$ |
| Description | 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; |
| Calf Depart2 | SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 08/18/2021 NO Classification: Moderate |
| Self Report? Citation: | 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 |

* NOVs 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.

Troy G. Waller dba Rockwell Acres Water System Docket No. 2022-0456-PWS-E Page 3

- 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;

Troy G. Waller dba Rockwell Acres Water System Docket No. 2022-0456-PWS-E Page 4

> 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.

Troy G. Waller dba Rockwell Acres Water System Docket No. 2022-0456-PWS-E Page 6

SIGNATURE PAGE

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 <u>Travis</u> County,

State of Texas,

on the <u>16th</u> day of <u>July</u>, 2024

Declarant