

**Executive Summary – Enforcement Matter – Case No. 66261**  
**NextEra Water Texas, LLC**  
**RN105160642**  
**Docket No. 2024-0990-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

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

Sunset Bay, 2051 State Highway 188, Aransas Pass, Aransas County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** February 7, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,275

**Total Paid to General Revenue:** \$1,275

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 3, 2024 through June 14, 2024

**Date(s) of NOE(s):** June 14, 2024

***Violation Information***

Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Mason DeMasi, Enforcement Division, Enforcement Team 5, MC R-13, (210) 657-8425; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Matthew Valle, President, NextEra Water Texas, LLC, 6710 Spring Stuebner Road, Suite 709 PMB 1051, Spring, Texas 77389-5197

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



<b>Screening Date</b>	17-Jun-2024	<b>Docket No.</b>	2024-0990-PWS-E	<b>PCW</b>
<b>Respondent</b>	NextEra Water Texas, LLC			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	66261			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN105160642			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Mason DeMasi			

## 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> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	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> )	1	-2%
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)** 12%

### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

### >> Compliance History Person Classification (Subtotal 7)

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

### >> Compliance History Summary

#### Compliance History Notes

Enhancement for three NOVs with the same/similar violations. Reduction for one notice of intent to conduct an audit, one disclosure of violations, and High Performer classification.

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

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 2%

<b>Screening Date</b>	17-Jun-2024	<b>Docket No.</b>	2024-0990-PWS-E	<b>PCW</b>
<b>Respondent</b>	NextEra Water Texas, LLC			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	66261			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN105160642			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Mason DeMasi			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)			
<b>Violation Description</b>	Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 1 were 0.130 mg/L for the fourth quarter of 2023, 0.208 mg/L for the first quarter of 2024, and 0.199 mg/L for the second quarter of 2024.			
		<b>Base Penalty</b>	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor
	Actual		x	
	Potential			
				<b>Percent</b> 25.0%
>>Programmatic Matrix				
	<b>Falsification</b>	Major	Moderate	Minor
				<b>Percent</b> 0.0%
<b>Matrix Notes</b>	Exceeding the MCL for TTHM caused persons by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.			
		<b>Adjustment</b>	\$3,750	
			\$1,250	
Violation Events				
	<b>Number of Violation Events</b>	1	273	<b>Number of violation days</b>
	<b>Frequency</b>			
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	x		
	single event			
		<b>Violation Base Penalty</b> \$1,250		
	One annual event is recommended.			
Good Faith Efforts to Comply				
		0.0%	<b>Reduction</b>	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
	<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
		<b>Violation Subtotal</b>	\$1,250	
Economic Benefit (EB) for this violation				
	<b>Statutory Limit Test</b>			
	<b>Estimated EB Amount</b>	\$869	<b>Violation Final Penalty Total</b>	\$1,275
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$1,275

# Economic Benefit Worksheet

**Respondent** NextEra Water Texas, LLC  
**Case ID No.** 66261  
**Reg. Ent. Reference No.** RN105160642  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Dec-2023	25-Jun-2026	2.48	\$41	\$828	\$869
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

### Notes for DELAYED costs

The other (as needed) cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

## Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

### Approx. Cost of Compliance

\$5,000

### TOTAL

\$869



# Compliance History Report

Compliance History Report for CN606040012, RN105160642, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

**Customer, Respondent, or Owner/Operator:** CN606040012, NextEra Water Texas, LLC  
**Classification:** HIGH  
**Rating:** 0.00

**Regulated Entity:** RN105160642, SUNSET BAY  
**Classification:** NOT APPLICABLE  
**Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 2051 STATE HIGHWAY 188 IN ARANSAS PASS, ARANSAS COUNTY, TEXAS

**TCEQ Region:** REGION 14 - CORPUS CHRISTI

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0040055

**Compliance History Period:** September 01, 2019 to August 31, 2024  
**Rating Year:** 2024  
**Rating Date:** 09/01/2024

**Date Compliance History Report Prepared:** December 12, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 12, 2019 to December 12, 2024

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Mason DeMasi  
**Phone:** (210) 657-8425

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? NextEra Water Texas, LLC OWNER since 7/12/2022
- 4) Who was/were the prior owner(s)/operator(s)? Quadvest, Inc., OWNER, 8/24/2006 to 7/11/2022

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

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

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1 February 25, 2022 (1788886)

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

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

1 Date: 01/24/2024 (1993908)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
Description: TTHM LRAA MCL 4Q2023 – During the 4th quarter of 2023 the system

violated the maximum contaminant level for trihalomethanes with a LRAA of 0.130 mg/L at 133 Dockside, Rockport (DBP2-01). ETT Point Value = 5

- |   |              |   |           |                          |
|---|--------------|---|-----------|--------------------------|
| 3 | Date:        | 05/30/2024  | (1993908) |                          |
|   | Self Report? | NO  |           | Classification: Moderate |
|   | Citation:    | 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  |           |                          |
|   | Description: | TTHM LRAA MCL 2Q2024 – During the 2nd quarter of 2024 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.199 mg/L at 133 Dockside Rockport (DBP2-01). ETT Point Value = 5 |           |                          |

#### F. Environmental audits:

Notice of Intent Date: 07/26/2022 (1841415)

Disclosure Date: 07/26/2022

Viol.	Minor
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Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to trim vegetation around the perimeter fence.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(7)

30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to maintain the well. Specifically, the well casing has a rusted vent, the pressure relief valve needs a screen, and a spigot with a vacuum breaker is needed at the gate valve.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)

30 TAC Chapter 290, SubChapter D 290.43(c)(3)

30 TAC Chapter 290, SubChapter D 290.43(c)(8)

30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to maintain the GST, including an overflow opening that is rusted and hard to open/shut, a broken access ladder manway that needs to be reattached, rust in various places, and a rusted and corroded hatch.

Viol.	Minor
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Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to maintain the HPT supports free from signs of deterioration (rust), including on the top of the tank and tap for the pressure gauge where it ties into the tank.

Viol.	Minor
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Classification:

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failed to update the monitoring plan.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)

Description: Failed to retain complete records for disinfectant residual level measurements, coliform sampling, analytical lab reports, lead and copper monitoring, flushing, disinfectant residual analyzer accuracy verification, tank inspections and well meter calibrations.

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

N/A

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

N/A

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

N/A

## J. Early compliance:

N/A

### Sites Outside of Texas:

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
NEXTERA WATER TEXAS, LLC  
RN105160642

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2024-0990-PWS-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding NextEra Water Texas, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

### I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 2051 State Highway 188 in Aransas Pass, Aransas County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 36 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review for the Facility conducted on June 3, 2024 through June 14, 2024, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.130 milligrams per liter ("mg/L") for the fourth quarter of 2023, 0.208 mg/L for the first quarter of 2024, and 0.199 mg/L for the second quarter of 2024.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the 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, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$1,275 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). The Respondent paid the \$1,275 penalty.

## III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the 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 that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: NextEra Water Texas, LLC, Docket No. 2024-0990-PWS-E" to:  
  
Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The Respondent shall undertake the following technical requirements:
  - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
  - b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. 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.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's

jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

  
-----  
For the Executive Director

3/12/2025

-----  
Date

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

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

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

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

  
-----  
Signature

1/8/25  
-----  
Date

MATT VAU  
-----  
Name (Printed or typed)  
Authorized Representative of  
NextEra Water Texas, LLC

PRESIDENT  
-----  
Title

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

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