EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-2028-PWS-E TCEQ ID: RN101222966 CASE NO.: 31782
RESPONDENT NAME: River Acres Water Supply Corporation

ORDER TYPE:

_X_ 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	__AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	_X_ PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATERQUALITY		

SITE WHERE VIOLATION(S) OCCURRED: River Acres Water Supply Corporation, 15000 Block of Northwest Boulevard, Neuces County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: __X_ Yes ___No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 16, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mrs. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Section I, MC 169, (512) 239-1482; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
Respondent: Mr. Brent Burkhart, Board President, River Acres Water Supply Corporation, 15602 Northwest Boulevard, Suite H, Robstown, Texas 78380
Respondent's Attorney: Not represented by counsel on this enforcement matter

RESPONDENT'S NAME: River Acres Water Supply Corporation
DOCKET NO.: 2006-2028-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __Complaint __X_Routine __Enforcement Follow-up __Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** September 29, 2006 **Date of NOE Relating to this Case:** November 14, 2006 (NOE) **Background Facts:** This was a routine investigation. Four violations were documented. **WATER** 1) Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.5 milligrams per liter ("mg/L") of chloramine [30 TEX. ADMIN CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 2) Failed to install air release devices in such a manner as to preclude the possibility of submergence or possible entrance of contaminants [30 TEX. ADMIN CODE § 290.44(d)(1) and 30 TEX. ADMIN CODE § 290.42(d)(2)(F)]. 3) Failed to maintain an up-to-date chemical and microbiological monitoring plan. During an inspection conducted on September 29, 2009, the monitoring plan was not up-to-date [30 TEX. ADMIN CODE § 290.121(a)]. 4) Failed to secure a written contract, a signed document of specific terms, or a memorandum or letter of understanding between the purchaser and wholesaler [30 TEX. ADMIN CODE § 290.45(f)(1)].	**Total assessed:** $735 **Total Deferred:** $147 _X_Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $588 **Site Compliance History Classification:** __High __Average __Poor **Person Compliance History Classification:** __High __Average __Poor **Major Source:** __Yes _X_No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order: i. Establish and maintain an up-to-date chemical and microbiological monitoring plan; and ii. Provide chlorination sufficient to maintain a residual chloramine level of 0.5 mg/L. b. Within 60 days after the effective date of this Agreed Order: i. Submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a; ii. Install air release devices on treated water lines as to preclude the possibility of submergence or the entrance of contaminants; and iii. Secure a written purchase contract or letter of understanding from the wholesaler. c. Within 90 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions b.ii. and b.iii.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision November 17, 2006*

TCEQ

DATES					
Assigned	20-Nov-2006				
PCW	27-Nov-2006	Screening	27-Nov-2006	EPA Due	N/A

RESPONDENT/FACILITY INFORMATION

Respondent	River Acres Water Supply Corporation		
Reg. Ent. Ref. No.	RN101222966		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	31782	No. of Violations	4
Docket No.	2006-2028-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Andrea Linson-Mgbeoduru
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$700**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History — 5% Enhancement — *Subtotals 2, 3, & 7* **$35**

Notes: The Respondent was issued one NOV that contained same or similar violations.

Culpability — No — 0% Enhancement — *Subtotal 4* **$0**

Notes: The Respondent does not meet culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* **$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$84
Approx. Cost of Compliance	$1,350

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$735**

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount **$735**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$735**

DEFERRAL — 20% Reduction — *Adjustment* **-$147**

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$588**

Screening Date	27-Nov-2006	**Docket No.** 2006-2028-PWS-E	**PCW**
Respondent	River Acres Water Supply Corporation		*Policy Revision 2 (September 2002)*
Case ID No.	31782		*PCW Revision November 17, 2006*
Reg. Ent. Reference No.	RN101222966		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Andrea Linson-Mgbeoduru		

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	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%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent was issued one NOV that contained same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date	27-Nov-2006	**Docket No.** 2006-2028-PWS-E	PCW
Respondent	River Acres Water Supply Corporation		*Policy Revision 2 (September 2002)*
Case ID No.	31782		*PCW Revision November 17, 2006*
Reg. Ent. Reference No.	RN101222966		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Andrea Linson-Mgbeoduru		

Violation Number 1

Rule Cite(s) 30 Tex. Admin Code § 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.5 milligrams per liter ("mg/L") of chloramine. Specifically, during the investigation on September 29, 2006, a field test conducted at 5498 County Road 75 revealed a chloramine residual of 0.07 mg/L.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health could be exposed to pollutants which would exceed levels that are protective of human health as a result of the violation.

Adjustment $750

$250

Violation Events

Number of Violation Events: 1

59 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $31

Statutory Limit Test

Violation Final Penalty Total $263

This violation Final Assessed Penalty (adjusted for limits) $263

Economic Benefit Worksheet

Respondent: River Acres Water Supply Corporation
Case ID No.: 31782
Reg. Ent. Reference No.: RN101222966
Media: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$500	29-Sep-2006	17-Aug-2007	0.9	$1	$29	$31
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	These costs include the amount necessary to maintain residual chloramine to a minimum of 0.5 mg/L. Date required is the investigation date. Final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $31

Screening Date 27-Nov-2006 **Docket No.** 2006-2028-PWS-E **PCW**

Respondent River Acres Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 31782 *PCW Revision November 17, 2006*

Reg. Ent. Reference No. RN101222966

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 2

Rule Cite(s) 30 Tex. Admin Code § 290.44(d)(1) and 30 Tex. Admin Code § 290.42(d)(2)(F)

Violation Description Failed to install air release devices in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. Specifically, during the investigation on September 29, 2006, the air release devices on the three service pumps did not have 16 inch mesh or finer corrosion resistant screens.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment $900

$100

Violation Events

Number of Violation Events 3 59 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $300

Three quarterly events (one for each pump) are recommended from the date of the investigation on September 29, 2006 to the date of case screening on November 27, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $10

Statutory Limit Test

Violation Final Penalty Total $315

This violation Final Assessed Penalty (adjusted for limits) $315

Economic Benefit Worksheet

Respondent: River Acres Water Supply Corporation
Case ID No.: 31782
Reg. Ent. Reference No.: RN101222966
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$150	29-Sep-2006	16-Sep-2007	1.0	$0	$10	$10
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Reflects the cost of bringing into compliance the air release valves of the distribution or storage lines to prevent submergence or the entrance of contaminants. Date required is the investigation date. Final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $150

TOTAL: $10

Screening Date	27-Nov-2006	**Docket No.** 2006-2028-PWS-E	PCW
Respondent	River Acres Water Supply Corporation		*Policy Revision 2 (September 2002)*
Case ID No.	31782		*PCW Revision November 17, 2006*
Reg. Ent. Reference No.	RN101222966		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Andrea Linson-Mgbeoduru		

Violation Number 3

Rule Cite(s) 30 Tex. Admin Code § 290.121(a)

Violation Description Failed to maintain an up-to-date chemical and microbiological monitoring plan. During an inspection conducted on September 29, 2009, the monitoring plan was not up-to-date. Specifically, the monitoring plan did not include all of the addresses from which coliform samples are collected or the correct number of coliform samples collected each month.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes: The Respondent has complied with 50% of this requirement.

Adjustment $950

$50

Violation Events

Number of Violation Events 1

59 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $9

Statutory Limit Test

Violation Final Penalty Total $53

This violation Final Assessed Penalty (adjusted for limits) $53

Economic Benefit Worksheet

Respondent: River Acres Water Supply Corporation
Case ID No.: 31782
Reg. Ent. Reference No.: RN101222966
Media: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$200	29-Sep-2006	17-Aug-2007	0.9	$9	n/a	$9
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The amount required to maintain an up-to-date chemical and microbiological monitoring plan of the tests conducted at the site. Date required is the investigation date. Final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $200

TOTAL: $9

Screening Date 27-Nov-2006 **Docket No.** 2006-2028-PWS-E **PCW**

Respondent River Acres Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 31782 *PCW Revision November 17, 2006*

Reg. Ent. Reference No. RN101222966

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 4

Rule Cite(s) 30 Tex. Admin Code § 290.45(f)(1)

Violation Description Failed to obtain a water purchase contract. Specifically, during an investigation conducted on September 29, 2006, it was revealed a direct connection to the City of Corpus Christi exists for emergency situations.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: The Respondent failed to comply with 100 percent of this requirement.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 | 59 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $34

Statutory Limit Test

Violation Final Penalty Total $105

This violation Final Assessed Penalty (adjusted for limits) $105

Economic Benefit Worksheet

Respondent: River Acres Water Supply Corporation
Case ID No.: 31782
Reg. Ent. Reference No.: RN101222966
Media: Public Water Supply
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$500	29-Sep-2006	16-Sep-2007	1.0	$2	$32	$34
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The time and effort required to obtain the written contract from the wholesaler, from the date of the investigation. Date required is the investigation date. Final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $34

Compliance History

Customer/Respondent/Owner-Operator:	CN600664064	River Acres Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101222966	RIVER ACRES WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	1780013 1780013	
Location:	15000 BLOCK OF NORTHWEST BLVD, ROBSTOWN, TX, 78380			
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	December 07, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 07, 2001 to December 07, 2006			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1 11/14/2006 (515285)
2 04/07/2004 (268428)
3 09/15/2005 (407105)

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

Date: 04/07/2004 (268428)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G)
30 TAC Chapter 290, SubChapter D 290.46(d)(1)
30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
30 TAC Chapter 290, SubChapter D 290.46(d)(2)[G]
30 TAC Chapter 290, SubChapter D 290.46(d)[G]
30 TAC Chapter 290, SubChapter D 290.46(f)(1)
30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)[G]
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)[G]
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)
30 TAC Chapter 290, SubChapter F 290.110(b)(2)

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

30 TAC Chapter 290, SubChapter F 290.110(b)[G]

30 TAC Chapter 290, SubChapter F 290.110(c)(2)[G]

30 TAC Chapter 290, SubChapter F 290.110(c)(3)

30 TAC Chapter 290, SubChapter F 290.110(c)(5)[G]

30 TAC Chapter 290, SubChapter F 290.110(c)[G]

Description: Failure to maintain a minimum chlorine residual of 0.5 mg/l Total chlorine in the distribution system.

Self Report? NO Classification: Minor

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

Description: System ownership signs were not available at the elevated tank and at the ground storage tank.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
RIVER ACRES WATER SUPPLY	§	
CORPORATION	§	**ENVIRONMENTAL QUALITY**
RN101222966	§	

AGREED ORDER
DOCKET NO. 2006-2028-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding River Acres Water Supply Corporation ("River Acres") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and River Acres appear before the Commission and together stipulate that:

1. River Acres owns and operates a public water supply at 15000 Block of Northwest Boulevard, in Nueces County, Texas (the "Facility") that has approximately 770 service connections and serves at least 25 people per day for at least 60 days per year.

2. The Commission and River Acres agree that the Commission has jurisdiction to enter this Agreed Order, and that River Acres is subject to the Commission's jurisdiction.

3. River Acres received notice of the violations alleged in Section II ("Allegations") on or about November 19, 2006.

4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by River Acres of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of Seven Hundred Thirty-Five Dollars ($735) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). River Acres has paid Five Hundred Eighty-Eight Dollars ($588) of the administrative penalty and One Hundred Forty-Seven Dollars ($147) is deferred contingent upon River Acres' timely and

satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If River Acres fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require River Acres to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

7. The Executive Director of the TCEQ and River Acres have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

8. 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 River Acres has not complied with one or more of the terms or conditions in this Agreed Order.

9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, River Acres is alleged to have:

1. Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.5 milligrams per liter ("mg/L") of chloramine, in violation of 30 TEX. ADMIN CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on September 29, 2006.

2. Failed to install air release devices in such a manner as to preclude the possibility of submergence or possible entrance of contaminants, in violation of 30 TEX. ADMIN CODE § 290.44(d)(1) and 30 TEX. ADMIN CODE § 290.42(d)(2)(F), as documented during an investigation conducted on September 29, 2006.

3. Failed to maintain an up-to-date chemical and microbiological monitoring plan. During an inspection conducted on September 29, 2009, the monitoring plan was not up-to-date, in violation of 30 TEX. ADMIN CODE § 290.121(a), as documented during an investigation conducted on September 29, 2006.

4. Failed to secure a written contract, a signed document of specific terms, or a memorandum or letter of understanding between the purchaser and wholesaler, in violation of 30 TEX. ADMIN CODE § 290.45(f)(1), as documented during an investigation conducted on September 29, 2006.

III. DENIALS

River Acres generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that River Acres pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and River Acres' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: River Acres Water Supply Corporation, Docket No. 2006-2028-PWS-E" to:

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

2. It is further ordered that River Acres shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order:

      i. Establish and maintain an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN CODE § 290.121; and

      ii. Provide chlorination sufficient to maintain a residual chloramine level of 0.5 mg/L, in accordance with 30 TEX. ADMIN CODE § 290.110.

   b. Within 60 days after the effective date of this Agreed Order:

      i. Submit written certification as described in Ordering Provision 2.c. below and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a;

      ii. Install air release devices on treated water lines as to preclude the possibility of submergence or the entrance of contaminants, in accordance with 30 TEX. ADMIN CODE § 290.44; and

      iii. Secure a written purchase contract or letter of understanding from the wholesaler, in accordance with 30 TEX. ADMIN CODE § 290.45.

   c. Within 90 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.ii and 2.b.iii. The certification shall be notarized by a State of Texas Notary Public and 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 certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon River Acres. River Acres is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by River Acres shall be made in writing to the Executive Director. Extensions are not effective until River Acres receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against River Acres in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to River Acres, or three days after the date on which the Commission mails notice of the Order to River Acres, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ _____
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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

_____ 2-16-07
Signature Date

Brent Burkhart Board President
Name (Printed or typed) Title
Authorized Representative of
River Acres Water Supply Corporation

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.