# **EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

DOCKET NO.: 2006-0801-MLM-E TCEQ ID NO.: RN102679347 ENF CASE NO.: 29890 RESPONDENT NAME: AQUA TEXAS, INC. DBA COUNTRY VIEW ESTATES

ORDER TYPE:							
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING					
FINDINGS DEFAULT ORDER							
AMENDED ORDER	_EMERGENCY ORDER						
CASE TYPE:							
AIR	X_MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE					
X_PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION					
X_WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL					
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION					
SITE WHERE VIOLATION(S) OCCURE  TYPE OF OPERATION: Public water support of the su	•	way 16 and Park Road 37, Medina County					
OTHER SIGNIFICANT MATTERS: There regarding this facility.	re are no complaints. There is no record of add	itional pending enforcement actions					
INTERESTED PARTIES: No one other tha	nn the ED and the Respondent has expressed an	interest in this matter.					
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on October 7, 20	07. No comments were received.					
CONTACTS AND MAILING LIST:  TCEQ Attorney: Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Water Enforcement Section, MC R-13, (210) 490-3096  TCEQ Regional Contact: Mr. Tom Haberle, San Antonio Regional Office, MC R-13, (210) 403-4050  Respondent: Mr. Robert Laughman, President, Aqua Texas, Inc. dba Country View Estates, 2211 Louetto Drive,							
Spring, Texas 77388  Respondent's Attorney: Mr. David	P Smith Attorney Barrett & Smith PLIC 50	05 W 14th Street Austin Texas 78701					

# RESPONDENT'S NAME: AQUA TEXAS, INC. DBA COUNTRY VIEW ESTATES DOCKET NO.: 2006-0801-MLM-E

### **VIOLATION SUMMARY CHART:** VIOLATION INFORMATION PENALTY CONSIDERATIONS **CORRECTIVE ACTIONS** TAKEN/REQUIRED Corrective Action Taken: Type of Investigation: Complaint X Routine Total Assessed: \$2,202 Records Review Enforcement Follow-up The Executive Director recognizes that the Respondent Total Deferred: \$0 has provided an intruder-resistant fence to protect the \_\_\_ Expedited Settlement Date(s) of Complaints Relating to this Case: None booster station. Specifically, the Respondent has angled the three strands of barbed-wire on top of the fence outward at a 45 degree angle. Date(s) of Investigation(s) Relating to this Case: Financial Inability to Pay May 17, 2006 SEP Conditional Offset: \$0 **Ordering Provisions:** Date(s) of NOV(s)/NOE(s) Relating to this Case: The Respondent shall undertake the following May 30, 2006 (NOE) Total Paid to General Revenue: \$2,202 technical requirements: Background Facts: The Respondent has paid the administrative penalty 1) Within 30 days, submit an administratively in full. A settlement agreement was reached with the Respondent, and complete permit application. a signed Agreed Order was received on June 19, 2007. Site Compliance History Classification: 2) Within 365 days, submit written certification that The Respondent in this case does not owe any other penalties \_\_ High \_\_\_ Avg. \_\_\_ Poor \_X\_ N/A either authorization to discharge wastewater has been according to the Administrative Penalty Database Report. obtained or that all discharge of wastewater has ceased Person Compliance History Classification: until such time that appropriate authorization is \_\_ High <u>X\_\_</u> Avg. \_\_\_ Poor <u>\_\_\_</u> N/A MLM obtained. The certification shall include detailed supporting documentation including receipts, and/or Major Source: X Yes No 1) Failed to obtain a permit from the Commission prior to any other records to demonstrate compliance with the discharge of wastewater [30 TEX. ADMIN. CODE § 305.42(a) above Ordering Provision. and TEX. WATER CODE § 26.121(a)]. Applicable Penalty Policy: September 2002 2) Failed to provide an intruder-resistant fence to protect the booster station [30 TEX. ADMIN. CODE § 290.42(m)].

Page	e 1 of 4 09/24				Country View Estates -	
<b>7</b> 7	\	MAGENDAY20	06-0801-mlm-PX 1CUIATION V	forksheet (FC	S.APW	,
Policy Revision 2		orially ou	.oa.aa.o		PCW Revision Ma	y 19, 2005
TCEQ		•				,
DATES Assigned	06-May-2006					
PCW	20-Sep-2006	Screening	21-Jun-2006	EPA Due		
RESPONDENT/FACIL	ITY INFORMA	TION				
Respondent	Aqua Texas, li	nc. dba Country	View Estates		4400	
Reg. Ent. Ref. No.	RN102679347					
Facility/Site Region	13-San Antoni			Major/Minor So	urce Major Source	2

CASE INFORMATION						·	
Enf./Case ID No.	29890			No.	of Violations	1	
	2006-0801-MLN				Order Type	1660	V
Media Program(s)	Public Water Sι	ıpply		< Ent	f. Coordinator	Yuliya Dunaway	
Multi-Media	WQ				EC's Team	Enforcement Te	eam 2
Admin. Penalty \$ Li	mit Minimum	\$50	Maximum	\$1,000			
TOTAL BASE PEN	IALTY (Sum		ty Calcula n base pena		tion	Subtotal 1	\$100
ADJUSTMENTS (4	-/-) TO SUBT	OTAL 1					
	btained by multiplyin			) by the indicated p	oercentage.		
Compliance H	listory		2%	Enhancement	Subt	otals 2, 3, & 7	\$2
Notes	The responde		evious NOV for current enforce		violations as		
Culpability	No [		0%	Enhancement		Subtotal 4	\$(
Notes	The re	spondent doe	es not meet the	culpability crit	eria.		
Good Faith Ef	fort to Comply		0%	Reduction		Subtotal 5	
		OV to EDPRP/Se	han a maahamid liti mislimaa ti taa aa ahii is t	Attion on an order a transference of the factories	and the control of th	de la majoria	
Extraordinary					•		"
Ordinary N/A	X (1	nark with a small	'x)	•	6		
Notes	The re	spondent do	es not meet the	good faith crit	eria.		
{	nefit  Total EB Amounts  ost of Compliance	\$1 \$100	0%	Enhancement* *Capped at the 7	otal EB \$ Amount	Subtotal 6	\$(
SUM OF SUBTOTA	ALS 1-7					Final Subtotal	\$102
OTHER FACTORS	AS JUSTICE	MAY REC	UIRE			Adjustment	\$(
Reduces or enhances the Fin	al Subtotal by the inc	licated percentag	je. (Enter number	only; e.g30 for -3	30%.)	1	
Notes			•				
					Final Pe	naity Amount	\$102
STATUTORY LIMI	T ADJUSTME	NT	e.		Final Asse	essed Penalty	\$102
DEFERRAL		taling of the state of the stat			Reduction	Adjustment	\$(
Reduces the Final Assessed	Penalty by the indicte	ed percentage. (	Enter number only;	e.g. 20 for 20% re	duction.)	 I	
Notes	No	deferral offer	ed with non-exp	pedited process	s.		
- The state of the	<u> 1981 - Service de la Service de la compressa de la compressa</u>	rin et valenzernagetyre	en varantaria en la monte en 1900.		auropyrenettomotomotor (et	O de la composição de la	ovi pari sainti 1888 etnikara al <b>izara.</b> L

Page 2 of 4 09/24/07 H:\ENFORCE\DChahin\Aqua Texas, Inc. dba Country View Estates -

MLM/AGENDA\2006-0801-mlm-PWS-revised Aqua Texas.qpw Screening Date 21-Jun-2006 Docket No. 2006-0801-MLM-E

PCW

2%

Respondent Aqua Texas, Inc. dba Country View Estates

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

Case ID No. 29890

Reg. Ent. Reference No. RN102679347

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

**Compliance History Worksheet** 

Component		Number Here	Adjust.	-1
NOV	Written NOVs with same or similar violations as those in the current	0	0%	
NOVs	enforcement action (number of NOVs meeting criteria) Other written NOVs	1	2%	-
	Any agreed final enforcement orders containing a denial of liability		-	1
***************************************	(number of orders meeting criteria)	0	0%	1
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	0	0%	
Judgments and	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% .	
Consent 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 (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted	0	0%	
Audits	0	0%		
Audits	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%	
		ter Yes or No		7
	Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive	No	0%	-
- '	director under a special assistance program	No .	0%	
Other	Participation in a voluntary pollution reduction program	No	0%	1
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
•	Adjustment Percen	tage (Su	ıbtotal 2)	
Repeat Violator	(Subtotal 3)			
N/A	Adjustment Percen	tage (Su	ıbtotal 3)	
Compliance His	story <i>Person</i> Classification (Subtotal 7)			
Average Perl		tage (Su	ıbtotal 7)	
Compliance His	story Summary			

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

Screening Date 21-Jun-2008-08013-nim-PWS-ovelself Aqua Tessas new PCW Revision May 19, 2005  Respondent Aqua Texas, Inc, dba Country View Estates Patient Reference No. RN102879347  Media [Statute] Public Water Supply Enf. Coordinator Vilya Dunaway Violation Number Primary Rule Cite(s) Secondary Rule Cite(s) Secondary Rule Cite(s) Fallure to provide an intruder-resistant fence to protect the booster station. Specifically, the three strands of barbed-wire on the top of the fence were not angled outward at a 45 degree angle.  Environmental; Property, and Human Health Matrix  Release Major Moderate Milnor Percent 10%  Programmatic Matrix  Personal Notes Human health could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health.  Violation Events  Number of Violation Events 1  Matrix Notes Wich would not exceed levels that are protective of human health.  Violation Base Penalty 5100  Base Penalty Subtotal 5100  Facility From the Personal Penalty 5100  Statutory Limit Test:  Estimated EB Amount 51 Violation Final Penalty Total 5102  This violation Final Assessed Penalty (adjusted for limits) 3102	Page 3 of 4 (	9/24/07 H:\ENFORCE\DChahin\Aqua Texas, Inc. dba Country View	v Estates -
Respondent Aqua Texas, Inc. dba Country View Estates  Case ID No. 29890  Reg, Ent. Reference No. RN102679347  Media [Statute] Public Water Supply  Enf. Coordinator Yulya Dunaway  Violation Number Primary Rule Cite(s)  Secondary Rule Cite(s)  Fallure to provide an intruder-resistant fence to protect the booster station. Specifically, the three strands of barbed-vire on the top of the fence were not angled outward at a 45 degree angle.  Find the first of the fence were not angled outward at a 45 degree angle.  Environmental, Property and Human Health Matrix  Harm  Release Major Moderate Milnor  Percent  Programmatic Matrix  Falsification Major Moderate Milnor  Percent  Matrix Notes  Human health could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health.  **Adjustment** — \$900  Base Penalty Subtotal \$100  **Violation Events**  Number of Violation Events**  Number of Violation Events 1  Geally Country Statutory Limit Test  Cone single event is recommended.  **Economic Benefit (EB) for this violation  Statutory Limit Test  Violation Final Penalty Total \$102	Screening Date	MLM/AGENDA\2006-0801-mlm-PWS-revised Aqua Texas.qpw 21-Jun-2006 <b>Docket No.</b> 2006-0801-MLM-E	PCW
Reg. Ent. Reference No. RN102679347   Media Statute] Public Water Supply			icy Revision 2 (September 2002)
Media [Statute] Public Water Supply Enf. Coordinator Yuliya Dunaway Violation Number Primary Rule Cite(s) Secondary Rule Cite(s) Violation Description Failure to provide an intruder-resistant fence to protect the booster station. Specifically, the three strands of barbed-wire on the top of the fence were not angled outward at a 45 degree angle.  Base Penalty \$1,000  Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential Potential Pallification Major Moderate Minor Percent  Matrix Notes Human health could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health.  Wich would not exceed levels that are protective of human health.  Violation Events  Number of Violation Events  Number of Violation Events  One single event is recommended.  Economic Benefit (EB) for this violation Statutory Limit Test.  Estimated EB Amount S1 Violation Final Penalty Total \$100	FOR CANADAM STORES OF A CASE OF STATE OF A STATE OF		PCW Revision May 19, 2005
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Secondary Rule Cite(s)  Violation Description  Failure to provide an intruder-resistant fence to protect the booster station.  Specifically, the three strands of barbed-wire on the top of the fence were not angled outward at a 45 degree angle.  Base Penalty  \$1,000  Specifically, the three strands of barbed-wire on the top of the fence were not angled outward at a 45 degree angle.  Base Penalty  \$1,000  Programmatic Matrix  Falsification  Major Moderate Minor  Percent  Matrix Notes  Human health could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health.  Adjustment  Specifically, the three strands of barbed-wire on the top of the fence were not angle angle.  Percent  Matrix Notes  Human health could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health.  Adjustment  Specifically, the three strands of barbed-wire on the top of the fence were not angle angle.  The fence were not angle angle.  Percent  Adjustment  Specifically, the three strands of barbed-wire on the top of the fence were not angle.  Percent  10%  Percent  Adjustment  Specifically, the three strands of barbed-wire on the top of the fence were not angle.  Percent  10%  Percent  Adjustment  Specifically, the three strands of barbed-wire on the top of the fence were not angle.  Percent  10%  Percent  10%  Percent  Adjustment  Specifically, the three strands of barbed-wire on the top of the fence were not angle.  Percent  10%  Percent  10%  Percent  Adjustment  Specifically, the three strands of barbed-wire on the top of the fence were not angle.  Percent  10%  Percent  10%  Percent  10%  Percent  Adjustment  Specifically, the three strands of barbed-wire not angle.  Percent  10%  Percent  10%		1	
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Violation Description   Specifically, the three strands of barbed-wire on the top of the fence were not angled outward at a 45 degree angle.    Base Penalty   \$1,000	Secondary Rule Cite(s)		
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Programmatic Matrix  Falsification Major Moderate Minor Percent  Matrix Notes Human health could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health.  Adjustment -\$900  Base Penalty Subtotal \$100  Violation Events  Number of Violation Events 1  mark only one use a small x semiannal annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$1		Major Moderate Minor	
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Matrix Notes	Potential	reicent 1078	
Matrix Notes	>> Programmatic Matr	i <b>X</b>	
Matrix Notes  Human health could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health.    Adjustment		SECTION AND AND AND AND AND AND AND AND AND AN	
Which would not exceed levels that are protective of human health.  Adjustment -\$900  Base Penalty Subtotal \$100  Violation Events  Number of Violation Events 1    daily		Percent	
Which would not exceed levels that are protective of human health.  Adjustment -\$900  Base Penalty Subtotal \$100  Violation Events  Number of Violation Events 1    daily			
Violation Events  Number of Violation Events  Number of Violation Events    Violation Base Penalty			
Violation Events   1		- Adjustment -	\$900
Number of Violation Events 4		Base Penalty Sub	total \$100
Mark only one   use a small x   semiannual	Violation Events		
Mark only one   use a small x   semiannual			
mark only one use a small x semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$1  Violation Base Penalty \$100	Number of Violati	on Events 1	
mark only one use a small x semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$1  Violation Base Penalty \$100		riaity	
Use a small x semiannual annual single event X  One single event is recommended.  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$102		######################################	
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One single event is recommended.  Economic Benefit (EB) for this violation  Estimated EB Amount \$1 Violation Final Penalty Total \$102	use a small x		
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Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$1 Violation Final Penalty Total \$102		One single event in recommended	
Estimated EB Amount \$1 Violation Final Penalty Total \$102		One single event is recommended.	
	Economic Benefit (	EB) for this violation Statutory Limit Test	
This violation Final Assessed Penalty (adjusted for limits) \$102	Estimated El	Amount \$1 Violation Final Penalty	Total \$102
Inis violation Final Assessed Penalty (adjusted for limits) \$102		This is a last on Final A	0.00
		inis violation Final Assessed Penalty (adjusted for ili	mus) \$102]

Page 4 of 4 09/24/07 H:\ENFORCE\DChahin\Aqua Texas, Inc. dba Country View Estates -A\2006-0801-nlm-P\\S-revised Aqua Texas:qpw Onomic Benefit Worksheet Respondent Aqua Texas, Inc. dba Country View Estates Case ID No. 29890 Reg. Ent. Reference No. RN102679347 Media [Statute] Public Water Supply Percent Years of Violation No. 1 Interest Depreciation 5.0 Date Final Interest Onetime EB Item Cost Required Date Saved Costs Amount Description No commas or \$ **Delayed Costs** 0.0 \$0 Equipment \$0 \$0 Buildings 0.0 \$0 \$0 \$0 Other (as needed) 0.0 \$0 \$0 \$0 17-May-2006 27-Jun-2006 0.1 \$0 \$1 \$1 Engineering/construction 0.0 \$0 \$0 Land Record Keeping System 0.0 \$0 n/a \$0 \$0 \$0 Training/Sampling 0.0 n/a \$0 0:0 \$0 Remediation/Disposal n/a 0.0 \$0 \$0 Permit Costs n/a 0.0 \$0 \$0 Other (as needed) The delayed costs include the amount to repair the booster station fence line, calculated from Notes for DELAYED costs the date of the investigation to the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** \$0 \$0 Disposal 0.0 \$0 0.0 \$0 \$0 \$0 Personnel Inspection/Reporting/Sampling 0.0 \$0 \$0 \$0 \$0 \$0 \$0 0.0 Supplies/equipment 0.0 \$0 \$0 \$0 Financial Assurance [2] ONE-TIME avoided costs [3] 0.0 \$0 \$0 \$0 Other (as needed) 0.0 \$0 \$0 \$0 . There are no avoided costs associated with this violation. Notes for AVOIDED costs

\$100

Approx. Cost of Compliance

TOTAL

\$1

Page	e 1 of 4 09/24					try View Estates -	,
Policy Revision 2		enalty Ca	iculation V	Vorksnee	f(\$500)	PCW Revision I	May 10 2005
TCEQ	(September 2002)					7 GW Revision 7	way 15, 2005
DATES Assigned	05-Jun-2006						
PCW	20-Sep-2006	Screening	21-Jun-2006	EPA Due			
RESPONDENT/FACIL	ITY INFORMA	ATION					223 C. S.
Respondent	Aqua Texas, I	nc. dba Country	y View Estates				
Reg. Ent. Ref. No.	RN102679347	7					
Facility/Site Region	13-San Antoni	io	E	Major/N	linor Source	Minor Source	V

CASE INFORMATION

CASE IN CRIMATION		District BMP of the ESCO Co.	(1996 av janništ aprijat kv			in and the state of the section of t	AND MALE SHAPE OF BUILDING
Enf./Case ID No.				ļ No	. of Violations		erz I
	2006-0801-ML	_M-E		answer#	Order Type		<
Media Program(s)			<del> </del>	< En		Yuliya Dunaway	nm 2
Multi-Media		1 60	1 49	P40 000	EC'S Team	Enforcement Tea	m z
Admin. Penalty \$ L	imit Wiinimum	\$0	Maximum	\$10,000	J		
TOTAL BASE PEI	NALTY (Sun		Ity Calcul		tion	Subtotal 1	\$2,000
AB UIGTMENTO /	WATO OUD	TOTAL	and the same control of th	and the state of t	Manager 14 and 1 (14) - 1 (14) - 1 (14) - 1 (14) - 1 (14) - 1 (14) - 1 (14) - 1 (14) - 1 (14) - 1 (14) - 1 (14)		
ADJUSTMENTS (			Penalty (Subtotal 1	) by the indicated	percentage		rijesiki ya Leske
Compliance I	an registerative states that a set the gravity color is the electric set.			Enhancement		otals 2, 3, & 7	\$100
Notes			vious NOV for t e current enfor			i permitation attachément de l'état fact quant l'état e a	,
Culpability	No	<b> </b>	0%	Enhancement		Subtotal 4	\$0
Notes	The	respondent do	es not meet the	e culpability cri	teria.		
Good Faith E	ffort to Compl	<b>y</b> NOV to EDPRP/S	kan kinan menandian mengelikan mengelikan dengan pengenan menandi pengenan dianah	Reduction		Subtotal 5	\$0
Extraordinary	Delote NOV	NOV to EDITO 10					the second
Ordinary			,				71.1
N/A	×	(mark with a smal	ן ( <i>א ו</i>			•	
Notes	17 17 17 17 17		es not meet the	e good faith cri	teria.		
							<b>60</b>
Economic Be	nerit Total EB Amounts	\$17	. U% 1	Enhancement*  *Capped at the	Total EB \$ Amount	Subtotal 6	- \$0
}	cost of Compliance	\$300		••	,		
SUM OF SUBTOT	ALS 1-7	* State of the sta		75.05 P W. 21.0 V. J. Pre		Final Subtotal	\$2,100
OTHER FACTORS	S AS JUSTIC	CE MAY REC	QUIRE			Adjustment	\$0
Reduces or enhances the Fi	nal Subtotal by the	indicated percenta	ge. <i>(Enter number</i>	only; e.g30 for -	30%.)	1	
Notes				•			
					Final Pe	nalty Amount	\$2,100
STATUTORY LIM	IT ADJUSTN	/IENT			Final Ass	essed Penalty	\$2,100
DEFERRAL				**** *********************************	Reduction	Adjustment	\$0
Reduces the Final Assessed	l Penalty by the ind	icted percentage.	(Enter number only	e.g. 20 for 20% re	كَ الْمُمَا فَيْهِ مِنْ الْمُعْمِينِ الْمُعْمِينِ الْمُعْمِينِ وَالْمُعْمِينِ وَالْمُعْمِينِ وَالْمُ	romasamanastila talat. -	town the leaven as of College (2009)
Notes	- <b>r</b>	No deferral offe	red for non-exp	edited process	(19 기록 공공(19,571) 3. 후송공주(19 )		
etra konstrueja jathe mokominen kahingat, invasak iki ili a		. English processed by the second state of the	energy and treatment in the plantage in the contract.			ratures asserbandar cada colo menos menos men	222

Page 2 of 4 09/24/07 H:\ENFORCE\DChahin\Aqua Texas, Inc. dba Country View Estates - MLM\AGENDA\2006-0801-mlm-WQ.revised-AquaTexas.qpw

Screening Date 21-Jun-2006

Docket No. 2006-0801-MLM-E

Respondent Aqua Texas, Inc. dba Country View Estates

Case ID No. 29890

Policy Revision 2 (September 2002)

Reg. Ent. Reference No. RN102679347 Media [Statute] Water Quality Enf. Coordinator Yuliya Dunaway PCW Revision May 19, 2005

# **Compliance History Worksheet**

>> Compliance	HISTORY S	ite Ennanci	ement (St	ibtotai 2)	150

Component	Number of Ente	r 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%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement order 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	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%
Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denia 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%
Audita	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	0	0%
Audits	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%
		nter Yes or No	00/
	Environmental management systems in place for one year or more  Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No No	0% 0%
Other	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	Image: Control of the	Adjustment Percentage (Subtotal 3)	0%
>> Compliance His	tory <i>Person</i> Classification (S	Subtotal 7)	XYFQ
Average Perf	ormer <	Adjustment Percentage (Subtotal 7)	0%
>> Compliance His	tory Summary		
Compliance History Notes		ious NOV for the same or similar violations as those in the current enforcement action.	
	Tata	Adjustment Percentage (Subtetals 2 2 8 7)	<b>5</b> 0/

federal government environmental requirements

	09/24/07 H:	:\ENFORCE\DCha	hin∖Aqua Texas, I	ncdba Country	View Esta	tes -
Screening Date	MLM\AGEN 21-Jun-2006	NDA\2006-0801-ml <b>D</b> C	m-WQ revised-Ad ocket No. 2006-	uaTexas.qpw -0801-MLM-E		PCW
Respondent	Aqua Texas,	Inc. dba Country \	/iew Estates		Policy Rev	ision 2 (September 2002)
Case ID No.	29890				PC	W Revision May 19, 2005
Reg. Ent. Reference No.			•			•
Media [Statute]					•	
Enf. Coordinator	Yuliya Dunav	way	•			
Violation Number		20 Tay Ad	min. Code § 305.	42(a)	1	
Primary Rule Cite(s)			ter Code § 26.121			
Secondary Rule Cite(s)		btain a permit from			harge of	
Violation Description	r allule to or		wastewater.	prior to arry disc	naige of	
				Bas	e Penalty[	\$10,000
>> Environmental, Pro	perty and	Human Health	Matrix.			
The state of the s		Harm				•
Release OR Actual	Major M	Moderate Minor	7			
Potential			Perc	cent	•	. •
>> Programmatic Mat	ON THE PROPERTY OF THE PROPERT					
Falsification	Major M	Moderate Minor	n Pero	cent 10%		
		<u> </u>	j reit	Jent 1078		
Matrix Notes	100% o	f the rule requirem	ent was not met.			
				Adjustment	-\$9,000	
`				Base Penalty	Subtotal [	\$1,000
Violation Events						51.4K
	PARTICIAL PROPERTY					
Number of Violat	on Events	2			1	
				·		
1.1.1	daily.	X	N. N. Carana			
mark only one	quarterly		•	Violation Base	e Penalty[	\$2,000
use a small x	semiannual		<			
	annual single event					
•	Single event					
Two mon	thly events are	e recommended from	om the date of the	investigation,	•	
	∕lay 17, 2006,	to the date of scre	ening, June 21, 2	006.		
Economic Benefit	FR) tor this	s violation	Statu	utory Limit To	estweet	
Estimated E	3 Amount	\$17	Viola	ation Final Pena	alty Total[	\$2,100
		This violation Fin	al Assessed Pen	alty (adjusted f	or limits)	\$2,100

09/24/07 H:\ENFORCE\DChahin\Aqua Texas, Inc. dba Country View Estates -MLM\AGENDA\2006-0801-mlm-WQ-revised-AquaTexas-qpw Economic Benefit Worksheet Respondent Aqua Texas, Inc. dba Country View Estates Case ID No. 29890 Reg. Ent. Reference No. RN102679347 Media [Statute] Water Quality Percent Years of Depreciation Violation No. 1 Interest 5.0 15 Date Final Interest Onetime ЕВ ltem Item Cost Required Date Saved Costs Amount Description No commas or \$ **Delayed Costs** Equipment 0.0 \$0 \$0 \$0 0.0 \$0 \$0 \$0 **Buildings** 0.0 \$0 \$0 \$0 Other (as needed) Engineering/construction 0.0 \$0 \$0 \$0 \$0 \$0 0.0 Record Keeping System 0.0 \$0 n/a \$0 Training/Sampling 0.0 \$0 n/a \$0 \$0 \$0 n/a Remediation/Disposal 0.0 \$300 17-May-2006 15-Jul-2007 1.2 \$17 \$17 n/a Permit Costs 0.0 \$0 Other (as needed) The delayed cost includes the amount to obtain a wastewater discharge permit, calculated Notes for DELAYED costs from the date of the investigation to the estimated date of compliance. **Avoided Costs** ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) \$0 0.0 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] ONE-TIME avoided costs [3] 0.0 \$0 \$0 \$0 \$0 \$0 0.0 \$0 Other (as needed) Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$17

# **Compliance History**

Custome	er/Respondent/Owner-Open	ator: CN60157	70773	Aqua Texas, Inc.		Classification:	AVERAGE	Rating: 1.21
Regulate	ed Entity:	RN1026	79347	COUNTRY VIEW I	ESTATES	Classification:		Site Rating:
ID Numb	per(s):	PUBLIC WATER		SYSTEM/SUPPLY		REGISTRATION LICENSE		1630026 1630026
Location:	:	2.6 MI W	EST OF	THE INTERSECTION MEDINA COUNTY	OF HWY		i	1
TCEQ R	egion:	***************************************		N ANTONIO				
Date Cor	mpliance History Prepared:	June 05,	2006					
Agency [	Decision Requiring Complia	nce History: Enforcem	ent					
Complian	nce Period:	June 05,	2001 to	June 05, 2006				
TCEQ St	taff Member to Contact for A	Additional Information Reg	garding t	his Compliance Histor	у			
Name:	Yuliya Dunaway		Ph	one: (210)403-	-4077			•
			Site C	ompliance History	Compo	nents		
1. Has th	ne site been in existence an	d/or operation for the full t	īve year	compliance period?		Yes	•	
	nere been a (known) change	in ownership of the site	during th	e compliance period?		No N/A		
	, who is the current owner?	( ) 2				N/A		
4. If Yes	, who was/were the prior ov	vner(s)?			• .	N/A		
5. When	did the change(s) in owner	ship occur?		,				
Compo	nents (Multimedia) for	the Site :						
Α.	Final Enforcement Orders	s, court judgements, and	consent	decrees of the state of	f Texas an	nd the federal government.		
	N/A					•		
В.	Any criminal convictions of N/A	of the state of Texas and	the fede	ral government.	,			
C.	Chronic excessive emissi	ons events.						
	N/A							
D.	The approval dates of inv	estigations. (CCEDS Inv.	Track. I	اo.)				
	1 08/20/2003 (	150001)						
	2 05/30/2006 (	461918)						
E.	Written notices of violation	ns (NOV). (CCEDS Inv. T	rack. No	o.)				
	Date: 08/20/2003							
	Self Report? NO	, ,			Classificat	ion: Moderate		
	Citation:	30 TAC Chapter 290, Su	bChapte	r D 290.46(n)(1)		•		
	Description:	Failure to submit plans for	or RO ur	nit				
	Self Report? NO			•	Classificat	ion: Minor		
	Citation:	30 TAC Chapter 290, Su	bChapte	r D 290.46(m)(1)[G]				•
	Description:	Failure to maintain raw w	ater sto	rage tank		۶		
	Self Report? NO			(	Classificat	ion: Moderate		,
		30 TAC Chapter 290, Sui						
	Description:	Failure to obtain authoriz	ation fo	the discharge of back	wash wat	er from the R.O. unit.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

. 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 AQUA TEXAS, INC. DBA COUNTRY VIEW ESTATES, RN102679347

#### BEFORE THE

#### TEXAS COMMISSION ON

## **ENVIRONMENTAL QUALITY**

# AGREED ORDER DOCKET NO. 2006-0801-MLM-E

# I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Texas, Inc. dba Country View Estates ("Aqua Texas") under the authority of Tex. Water Code chs. 7 and 26; Tex. Health & Safety Code ch. 341; and 30 Tex. Admin. Code chs. 290 and 305. The Executive Director of the TCEQ, represented by the Litigation Division, and Aqua Texas, represented by David P. Smith of the law firm of Barrett & Smith, PLLC, appear before the Commission and together stipulate that:

- 1. Aqua Texas owns and operates a public water supply located 2.6 miles west of the intersection of Highway 16 and Park Road 37, Medina County, Texas (the "Facility") that has 91 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. This Agreed Order is entered into pursuant to Tex. Water Code §§ 7.051 and 7.070 and Tex. Health & Safety Code § 341.049. The Commission has jurisdiction of this matter pursuant to Tex. Water Code § 5.013 and Tex. Health & Safety Code § 341.031 because it alleges violations of Tex. Water Code ch. 26, Tex. Health & Safety Code ch. 341, and TCEQ rules.
- 3. The Commission and Aqua Texas agree that the Commission has jurisdiction to enter this Agreed Order, and that Aqua Texas is subject to the Commission's jurisdiction.
- 4. Aqua Texas received notice of the violations alleged in Section II ("Allegations") on or about June 4, 2006.

- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Aqua Texas of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of two thousand two hundred two dollars (\$2,202.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Aqua Texas has paid two thousand two hundred two dollars (\$2,202.00) of the administrative penalty.
- 7. 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.
- 8. The Executive Director of the TCEQ and Aqua Texas have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Aqua Texas has implemented a corrective measure in response to this enforcement action by providing an intruder-resistant fence to protect the booster station. Specifically, Aqua Texas has angled the three strands of barbed-wire on top of the fence outward at a 45 degree angle.
- 10. 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 Aqua Texas has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. 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.
- 12. 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

Aqua Texas, as owner and operator of the Facility, is alleged to have violated:

1. 30 Tex. ADMIN. CODE § 305.42(a) and Tex. WATER CODE § 26.121(a) by failing to obtain a permit from the Commission prior to any discharge of wastewater as documented on May 17, 2006.

Aqua Texas, Inc. dba Country View Estates DOCKET NO. 2006-0801-MLM-E Page 3

2. 30 Tex. Admin. Code § 290.42(m) by failing to provide an intruder-resistant fence to protect the booster station. Specifically, the three strands of barbed-wire on top of the fence were not angled outward at a 45 degree angle as documented on May 17, 2006.

#### III. DENIALS

Aqua Texas generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Aqua Texas pay an administrative penalty as set forth in Section I, Paragraph six above. The payment of this administrative penalty and Aqua Texas' compliance with all the terms and conditions set forth in this Agreed Order resolve only those matters described here. 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 "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Aqua Texas, Inc. dba Country View Estates; Docket No. 2006-0801-MLM-E; Enforcement ID 29890" to:

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

- 2. Aqua Texas shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, Aqua Texas shall submit an administratively complete permit application, in accordance with 30 Tex. ADMIN. CODE ch. 305 (relating to Consolidated Permits) to:

Water Quality Applications Team, Permits Administrative Review Section Registration, Review and Reporting Division, MC 161 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

b. Within 365 days after the effective date of this Agreed Order, Aqua Texas shall submit written certification that either authorization to discharge wastewater has been obtained or that all discharge of wastewater has ceased until such time that

appropriate authorization is obtained. The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

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

- 3. The provisions of this Agreed Order shall apply to and be binding upon Aqua Texas. Aqua Texas is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility 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 Aqua Texas shall be made in writing to the Executive Director. Extensions are not effective until Aqua Texas 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 Aqua Texas in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of

Aqua Texas, Inc. dba Country View Estates DOCKET NO. 2006-0801-MLM-E Page 5

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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Aqua Texas, or three days after the date on which the Commission mails notice of the Order to Aqua Texas, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

BARRETT & SMITH

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05/18/2007 09:43 FAX 5122893434 05/02/2007 10:27 5124726463 TCEQ Legal Services

BARRETT & SMITH

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Aqua Taxas, Inc. dba Country View Estates DOCKET NO. 2006-0801-MLM-E Page 6

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

9/4/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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.

\*

Signature

Mobert L. Laughman

Name (Printed or typed)

Authorized representative of

Aqua Texas, Inc. dba Country View Estates

May 4, 200'

Title