

Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1750-PWS-E TCEQ ID: RN101450047 CASE NO.: 14288
RESPONDENT NAME: WATER ASSOCIATION OF NORTH LAKE, INC.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 2094 Dove Creek Circle, Aubrey, Denton County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 5, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Mary Hammer, Litigation Division, MC 175, (512) 239-2496 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Elvia Maske, Air Enforcement Section, MC 128, (512) 239-0789 TCEQ Regional Contact: Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901 Respondent: Mr. Mark Pickett, Registered Agent and Director, Water Association of North Lake, Inc., 2094 Dove Creek Circle Aubrey, Texas 76227 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 17, 2006</p> <p>Date of NOE Relating to this Case: August 29, 2006</p> <p>Background Facts:</p> <p>An EDRP was filed on April 3, 2007. The Respondent received notice of the EDRP, as evidenced by the signature on the "green card," on April 6, 2007. The Respondent has not filed an answer or requested a hearing.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PWS</p> <ol style="list-style-type: none"> Failed to test an abandoned well to demonstrate it as in a non-deteriorated condition or plug the well with cement [30 TEX. ADMIN. CODE § 290.46(u) and TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.b.ii and 2.c]. Failed to provide a pressure release device on the 220-gallon pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(2) and TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.f.ii and 2.g]. Failed to provide an air/water volume indicator on the 1,040 gallon pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(3) and TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.f.iii and 2.g]. Failed to provide a sanitary control easement or obtain an exception to the easement requirement that covers the land within 150 feet of Well No. 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.f.i and 2.g]. Failed to provide documentation demonstrating the use of an ANSI/NSF 60 certified disinfectant [30 TEX. ADMIN. CODE § 290.42(j)]. 	<p>Total Assessed: \$2,813</p> <p>Total Deferred: \$0</p> <p>Total Due to General Revenue: \$2,813</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of the proposed Order.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Action(s) Taken</p> <p>The Executive Director recognizes that Respondent has:</p> <ol style="list-style-type: none"> Submitted photographs on November 6, 2006 via electronic mail demonstrating that a pressure release device has been installed on the 220 gallon pressure tank. Submitted written certification and documentation dated November 15, 2006 demonstrating the use of an ANSI/NSF 60 certified disinfectant. <p>Technical Requirements</p> <p>Within 90 days, the Respondent shall:</p> <ol style="list-style-type: none"> Secure a sanitary easement for Well No. 2 (G0610171B) covering all property within 150 feet of the well location from adjacent landowners and record the deeds in the county deed records or request and obtain an exception to the rule. Provide an air/water volume indicator on the existing 1,040 gallon pressure tank, or submit plans and specifications to replace the current 1,040 gallon pressure tank and meet the pressure capacity demands. Within 180 days, plug and seal, or test and repair Well No. 1 to demonstrate that the well will be maintained in a non-deteriorated condition.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	05-Sep-2006	Screening	27-Sep-2006	EPA Due	
	PCW	27-Sep-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Water Association of North Lake, Inc.
Reg. Ent. Ref. No.	RN101450047
Facility/Site Region	4-Dallas/Fort Worth <
Major/Minor Source	Minor Source <

CASE INFORMATION			
Enf./Case ID No.	14288	No. of Violations	5
Docket No.	2006-1750-PWS-E	Order Type	Findings <
Media Program(s)	Public Water Supply <	Enf. Coordinator	Elvia Maske
Multi-Media		EC's Team	Order Compliance Team <
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 25% Enhancement Subtotals 2, 3, & 7

Notes: An enhancement is recommended because Respondent has received one NOV for same or similar violations and one agreed order containing denial of liability.

Culpability No < 0% Enhancement Subtotal 4

Notes: The Respondent does not meet culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

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

Notes: The Respondent does not meet good faith criteria.

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	\$351	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,620	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment

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

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL 0% Reduction Adjustment

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

Notes: No deferral as this is a Finding Order.

PAYABLE PENALTY

Lake.wb3

Screening Date 27-Sep-2006

Docket No. 2006-1750-PWS-E

PCW

Respondent Water Association of North Lake, Inc.

Policy Revision 2 (September 2002)

Case ID No. 14288

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101450047

Media [Statute] Public Water Supply

Enf. Coordinator Elvia Maske

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 (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability. (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 judgements 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</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
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) 25%

>> 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

An enhancement is recommended because Respondent has received one NOV for same or similar violations and one agreed order containing denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 27-Sep-2006

Docket No. 2006-1750-PWS-E

PCW

Respondent Water Association of North Lake, Inc.

Policy Revision 2 (September 2002)

Case ID No. 14288

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101450047

Media [Statute] Public Water Supply

Enf. Coordinator Elvia Maske

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(u) and TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provision Nos. 2.b.ii. and 2.c.

Secondary Rule Cite(s)

Violation Description Failed to test an abandoned well to demonstrate it is in a non-deteriorated condition or plug with cement. Specifically, Well No. 1 was temporarily capped and test results were not submitted to demonstrate that the well is in a non-deteriorated condition, or plugged with cement and a plugging report submitted to the Executive Director.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Seven quarterly events are recommended based on the effective date of the Agreed Order (March 3, 2005) to the date of Screening (September 28, 2006).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Water Association of North Lake, Inc.
 Case ID No. 14288
 Reg. Ent. Reference No. RN101450047
 Media [Statute] 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	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	\$250	03-Mar-2005	01-Jul-2007	2.3	\$29	n/a	\$29
Training/Sampling	\$250	03-Mar-2005	01-Jul-2007	2.3	\$29	n/a	\$29
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: Estimated cost to either submit a plugging report or test results for the abandoned well. Date required is effective date of agreed order and final date is expected 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 TOTAL

Screening Date 27-Sep-2006 ^{Lake.wb3} Docket No. 2006-1750-PWS-E PCW

Respondent Water Association of North Lake, Inc. Policy Revision 2 (September 2002)

Case ID No. 14288 PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101450047

Media [Statute] Public Water Supply

Enf. Coordinator Elvia Maske

Violation Number

Primary Rule Cite(s)
 Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="10%"/>
	Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>		

>> Programmatic Matrix

		Major	Moderate	Minor		
Falsification		<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>		

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Water Association of North Lake, Inc.
 Case ID No. 14288
 Reg. Ent. Reference No. RN101450047
 Media [Statute] Public Water Supply
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$1,000	03-Mar-2005	06-Nov-2006	1.7	\$6	\$112	\$118
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: Estimated cost to install a pressure release device on a pressure tank. Date required is the effective date of the Agreed Order and final date is 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 **\$1,000** TOTAL **\$118**

lake.wb3

Screening Date 27-Sep-2006

Docket No. 2006-1750-PWS-E

PCW

Respondent Water Association of North Lake, Inc.

Policy Revision 2 (September 2002)

Case ID No. 14288

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101450047

Media [Statute] Public Water Supply

Enf. Coordinator Elvia Maske

Violation Number

Primary Rule Cite(s)
 Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Water Association of North Lake, Inc.
 Case ID No. 14288
 Reg. Ent. Reference No. RN101450047
 Media [Statute] Public Water Supply
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$1,000	03-Mar-2005	01-Jul-2007	2.3	\$8	\$155	\$163
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: Estimated cost to install an air/water volume indicator in the pressure tank. Date required is the effective date of the agreed order and the final date is the expected 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

TOTAL

Screening Date 27-Sep-2006

Docket No. 2006-1750-PWS-E

PCW

Respondent Water Association of North Lake, Inc.

Policy Revision 2 (September 2002)

Case ID No. 14288

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101450047

Media [Statute] Public Water Supply

Enf. Coordinator Elvia Maske

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provision Nos.2.f.i. and 2.g.

Secondary Rule Cite(s)

Violation Description

Failure to provide a sanitary control easement or obtain an exception to the easement requirement that covers the land within 150 feet of Well No. 2.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>				

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended for the one well without a sanitary control easement.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Water Association of North Lake, Inc.
 Case ID No. 14288
 Reg. Ent. Reference No. RN101450047
 Media [Statute] Public Water Supply
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	\$100	03-Mar-2005	01-Jul-2007	2.3	\$12	n/a	\$12
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 estimated cost to obtain a sanitary control easement or exception to the easement requirements. Date required is the effective date of the agreed order requiring the easement or exception, and the final date is the expected 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 \$100 TOTAL \$12

Screening Date 27-Sep-2006

Docket No. 2006-1750-PWS-E

PCW

Respondent Water Association of North Lake, Inc.

Policy Revision 2 (September 2002)

Case ID No. 14288

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101450047

Media [Statute] Public Water Supply

Enf. Coordinator Elvia Maske

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Water Association of North Lake, Inc.
 Case ID No. 14288
 Reg. Ent. Reference No. RN101450047
 Media [Statute] Public Water Supply
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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				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)	\$20	17-Jul-2006	15-Nov-2006	0.3	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to obtain documentation demonstrating the "bleach" disinfectant is ANSI/NSF approved. Date required is date of investigation and final date is 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 TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600636500	Water Association Of North Lake, Inc.	Classification:	Rating:
Regulated Entity:	RN101450047	WATER ASSOCIATION OF NORTH LAKE INC	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0610171 0610171
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Location: 2094 DOVE CREEK CIR, AUBREY, TX, 76227

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: September 27, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 27, 2001 to September 27, 2006

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

Name: Elvia Maske Phone: (512) 239-0789

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	Effective Date: 03/03/2005	ADMINORDER 2004-0464-PWS-E
	Classification: Minor	

Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
 Description: Failure to conduct the necessary testing on well #1(G0610171A) to document that the well is being maintained in a non-deteriorated condition. Specifically, well #1, which was capped and not in use, had not been tested during the previous five years.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
 Description: Failure to provide well completion data for well # 2 (G0610171B).

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to adequately maintain the Facility. Specifically, the ground storage tank needs to be painted, the structural integrity of the pump house is in poor condition, and the barbed wire and support arms on the intruder-resistant fence need to be repaired.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)[G]
 Description: Failure to provide an access ladder for the ground storage tank.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
 Description: Failure to provide a pressure release device on the 220 gallon pressure tank.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
 Description: Failure to provide an air/water volume indicator on the 1,040 gallon pressure tank.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum well capacity of 0.6 gallon per minute ("gpm") per connection.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to make available a sanitary control easement for well # 2 (G0610171B) at the time of inspection.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide two or more service pumps having a total capacity of 2.0 gpm per

connection.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(P)

Description: Failure to provide an adequate all weather road. Specifically, the old, galvanized culvert in the road was not adequately maintained to support heavy vehicle traffic.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to enclose the well unit in an intruder-resistant fence with a locking gate or enclosed in a lockable well house.

Classification: Moderate

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

Description: Failure to maintain a minimum residual disinfectant concentration of 0.2 milligrams per liter (mg/L) free chlorine in the far reaches of the distribution system.

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 10/31/2003 (251295)
N/A

2 08/30/2006 (509095)

3 09/16/2005 (431359)

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

Date: 09/15/2005 (431359)

Self Report? NO

Classification: Minor

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

Description: Failure to conduct the necessary testing on well #1(G0610171A) to document that the well is being maintained in a non-deteriorated condition. Specifically, well #1, which was capped and not in use, had not been tested during the previous five years.

Self Report? NO

Classification: Minor

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

Description: Failure to adequately maintain the Facility. Specifically, the ground storage tank needs to be painted, the structural integrity of the pump house is in poor condition, and the barbed wire and support arms on the intruder-resistant fence need to be repaired.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)

Description: Failure to provide a pressure release device on the 220 gallon pressure tank.

Self Report? NO	Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)	
Description: Failure to provide an air/water volume indicator on the 1,040 gallon pressure tank.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)	
5A THC Chapter 341, SubChapter A 341.0315(c)	
Description: Failure to provide a minimum well capacity of 0.6 gallon per minute ("gpm") per connection.	
Self Report? NO	Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)	
Description: Failure to make available a sanitary control easement for well # 2 (G0610171B) at the time of inspection.	
Self Report? NO	Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)	
5A THC Chapter 341, SubChapter A 341.0315(c)	
Description: Failure to provide two or more service pumps having a total capacity of 2.0 gpm per connection.	
Self Report? NO	Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101	
Rqmt Prov: ORDER IA	
Description: Failed to comply with Ordering Provisions of Agreed Order Docket No. 2004-0464-PWS-E.	

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
ENFORCEMENT ACTION
CONCERNING
WATER ASSOCIATION OF
NORTH LAKE, INC.,
RN101450047

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2006-1750-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Water Association of North Lake, Inc. ("Water Association").

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

FINDINGS OF FACT

1. Water Association owns and operates a public water supply located at 2094 Dove Creek Circle in Aubrey, Denton County, Texas (the "Facility").
2. The Facility has approximately twenty service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(47).
3. During an inspection conducted on July 17, 2006, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Water Association violated the following requirements:
 - a. TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.b.ii. and 2.c., by failing to test an abandoned well to demonstrate it is in a non-deteriorated condition or plug the well with cement. Specifically, Well No. 1 was temporarily capped and test results were not submitted to demonstrate that the well is in a non-deteriorated condition, nor was the well plugged with cement and a plugging report submitted to the Executive Director;

- b. TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.f.ii. and 2.g., by failing to provide a pressure release device on the 220-gallon pressure tank;
 - c. TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.f.iii. and 2.g., by failing to provide an air/water volume indicator on the 1,040 gallon pressure tank;
 - d. TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.f.i. and 2.g., by failing to provide a sanitary control easement or obtain an exception to the easement requirement that covers the land within 150 feet of Well No. 2.; and
 - e. Failed to provide documentation demonstrating the use of an American National Standards Institute/National Sanitation Foundation Standard (ANSI/NSF) 60 certified disinfectant.
4. Water Association received notice of the violations on or about September 3, 2006.
5. The Executive Director recognizes that Water Association has implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. Submitted photographs on November 6, 2006 via electronic mail demonstrating that a pressure release device has been installed on the 220 gallon pressure tank; and
 - b. Submitted written certification and documentation dated November 15, 2006 demonstrating the use of an ANSI/NSF 60 certified disinfectant.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Water Association of North Lake, Inc." (the "EDPRP") in the TCEQ Chief Clerk's office on April 3, 2007.
7. By letter dated April 3, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Water Association with notice of the EDPRP. According to the return receipt "green card", Water Association received notice of the EDPRP on April 6, 2007, as evidenced by the signature on the card.
8. More than 20 days have elapsed since Water Association received notice of the EDPRP, provided by the Executive Director. Water Association failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Water Association is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, 30 TEX. ADMIN. CODE ch. 290 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Water Association failed to test an abandoned well to demonstrate it is in a non-deteriorated condition or plug the well with cement, in violation of 30 TEX. ADMIN. CODE § 290.46(u) and TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.b.ii. and 2.c.
3. As evidenced by Finding of Fact No. 3.b., Water Association failed to provide a pressure release device on the 220-gallon pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2) and TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.f.ii. and 2.g.
4. As evidenced by Finding of Fact No. 3.c., Water Association failed to provide an air/water volume indicator on the 1,040 gallon pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3) and TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.f.iii. and 2.g.
5. As evidenced by Finding of Fact No. 3.d., Water Association failed to provide a sanitary control easement or obtain an exception to the easement requirement that covers the land within 150 feet of Well No. 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2004-0464-PWS-E, Ordering Provisions Nos. 2.f.i. and 2.g.
6. As evidenced by Finding of Fact No. 3.e., Water Association failed to provide documentation demonstrating the use of an ANSI/NSF 60 certified disinfectant, in violation of 30 TEX. ADMIN. CODE § 290.42(j).
7. As evidenced by Findings of Fact Nos. 6 and 7, the Executive Director has timely served Water Association with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
8. As evidenced by Finding of Fact No. 8, Water Association has failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Water Association and assess the penalty recommended by the Executive Director.

9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Water Association for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of two thousand eight hundred thirteen dollars (\$2,813.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
11. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Water Association is assessed an administrative penalty in the amount of two thousand eight hundred thirteen dollars (\$2,813.00) for violations of TEX. HEALTH & SAFETY CODE ch. 341 and rules of the TCEQ. The payment of this administrative penalty and Water Association's compliance with all the terms and conditions set forth in this Order completely resolve 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 other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Water Association of North Lake, Inc.; Docket No. 2006-1750-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. Water Association shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Order, Water Association shall:

- i. Secure a sanitary easement for Well No. 2 (G0610171B) covering all property within 150 feet of the well location from adjacent landowners and record the deeds in the county deed records, in accordance with 30 TEX. ADMIN. CODE § 290.41(c)(1)F); or request and obtain an exception to the rule requiring a sanitary control easement pursuant to 30 TEX. ADMIN. CODE § 290.39(1).
- ii. Provide an air/water volume indicator on the existing 1,040 gallon pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.43(d)(3); or submit plans and specifications ("Engineering Plans") to replace the current 1,040 gallon pressure tank and meet the pressure capacity demands of the Facility. The Engineering Plans shall include a construction schedule that shall not exceed 180 days from the effective date of this Agreed Order. Upon approval, North Lake shall implement the Engineering Plans in accordance with the approved construction schedule.
- iii. All plans, specifications and other data required by Ordering Provision 2.a.ii. shall be submitted to:

Utilities Technical Review Team, MC 153
Water Supply Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 115 days after the effective date of this Order, Water Association shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a.i. through 2.a.iii.
- c. Within 180 days after the effective date of this Order, Water Association shall plug and seal, or test and repair Well No.1 to demonstrate that the well will be maintained in a non-deteriorated condition, in accordance with 30 TEX. ADMIN. CODE § 290.46(u).
- d. Within 195 days after the effective date of this Order, Water Association shall submit written certification to demonstrate compliance with Ordering Provision No. 2.c.
- e. All written 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:

Manager, Water Section
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Water Association. Water Association 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 Water Association shall be made in writing to the Executive Director. Extensions are not effective until Water Association receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Water

Association if the Executive Director determines that Water Association has not complied with one or more of the terms or conditions 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. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Water Association of North Lake, Inc.
Docket No. 2006-1750-PWS-E
Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF MARY HAMMER

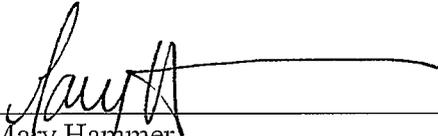
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Mary Hammer. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Water Association of North Lake, Inc.” (the “EDPRP”) with the Office of the Chief Clerk on April 3, 2007.

I sent the EDPRP to Water Association at its last known address on April 3, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Water Association received notice of the EDPRP on April 6, 2007, as evidenced by the signature on the card.

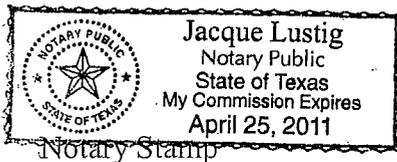
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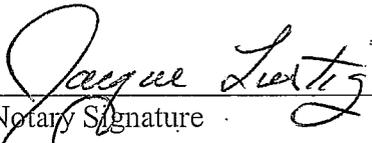


Mary Hammer
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Mary Hammer, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 23rd day of July, A.D., 2007.





Notary Signature