

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0078-PWS-E TCEQ ID: RN101177541 CASE NO.: 37029
RESPONDENT NAME: AMISTAD LAKE DEVELOPMENTS, INC.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input 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 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

SITE WHERE VIOLATION(S) OCCURRED: 11207 Highway 90 West, Del Rio, Val Verde County

TYPE OF OPERATION: Public water supply system

SMALL BUSINESS: 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 expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired July 27, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Steven M. Fishburn, Litigation Division, MC 175, (512) 239-0635
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Water Enforcement Section, MC 169, (512) 239-5610

TCEQ Regional Contact: Ms. Rose Luna-Pirtle, Laredo Regional Office, MC R-16, (956) 753-4052

Respondent: Mr. Michael Bonnee, Director and CEO, Amistad Lake Developments, Inc., 2400 Veterans Blvd. Ste. 160-446, Del Rio, Texas 78840

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: N/A</p> <p>Date of Investigation Relating to this Case: March 1, 2008</p> <p>Date of NOE Relating to this Case: December 23, 2008</p> <p>Background Facts: The case was referred to the Litigation Division on April 24, 2009. The agreed order was signed on May 29, 2009.</p> <p>Current Compliance Status: No outstanding technical requirements.</p> <p>PWS:</p> <p>1. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample, and failed to provide public notification of the failure to collect samples [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B)].</p> <p>2. Failed to collect at least five distribution coliform samples during the months following a total coliform positive sample result, and failed to provide public notification to the failure to collect samples [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122 (c)(2)(B)].</p>	<p>Total Assessed: \$1,801</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$101/\$1,700</p> <p>The Respondent paid \$101 of the administrative penalty. The remaining amount of \$1,700 shall be payable in 17 monthly payments of \$100 each.</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>Findings Order Justification: Three or more NOVs over the past 5 years for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has complied with the coliform monitoring requirements and provided water that meets the provisions regarding microbial contaminants since August 2008.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	5-Jan-2008	Screening	15-Jan-2009	EPA Due	1-Nov-2008
	PCW	15-Jan-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Amistad Lake Developments, Inc.
Reg. Ent. Ref. No.	RN101177541
Facility/Site Region	16-Laredo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37029	No. of Violations	2
Docket No.	2009-0078-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Keffer
		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)	<i>Subtotal 1</i>	\$1,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	22.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$275
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Notes: Enhancement is due to four NOVs with same or similar violations and one NOV with dissimilar violations as those in the current enforcement action.

Culpability	No	0.0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$312
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts \$588
 Approx. Cost of Compliance \$550
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$1,213
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OTHER FACTORS AS JUSTICE MAY REQUIRE	48.5%	<i>Adjustment</i>	\$588
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement is due to recover avoided costs.

<i>Final Penalty Amount</i>	\$1,801
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$1,801
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DEFERRAL	0.0% Reduction	<i>Adjustment</i>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,801
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Screening Date 15-Jan-2009

Docket No. 2009-0078-PWS-E

PCW

Respondent Amistad Lake Developments, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37029

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101177541

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

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)	4	20%
	Other written NOVs	1	2%
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 judgments 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) 22%

>> 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

Enhancement is due to four NOVs with same or similar violations and one NOV with dissimilar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 15-Jan-2009	Docket No. 2009-0078-PWS-E	PCW														
Respondent Amistad Lake Developments, Inc.		<i>Policy Revision 2 (September 2002)</i>														
Case ID No. 37029		<i>PCW Revision October 30, 2008</i>														
Reg. Ent. Reference No. RN101177541																
Media [Statute] Public Water Supply																
Enf. Coordinator Christopher Keffer																
Violation Number <input type="text" value="1"/>																
Rule Cite(s)	<input type="text" value="30.Tex. Admin. Code §§.290.109(c)(3)(A)(ii) and .290.122(c)(2)(B)"/>															
Violation Description	<input type="text" value="Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notification of the failure to collect samples during the months of July and August 2007. Specifically, the Respondent did not collect the required four repeat samples in July 2007 and collected only three of the required four samples in August 2007."/>															
	Base Penalty	<input type="text" value="\$1,000"/>														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Release Major Moderate Minor															
Actual	<input type="text"/>	<input type="text"/>														
Potential	<input type="text" value="x"/>	<input type="text"/>														
	Percent	<input type="text" value="25%"/>														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<input type="text"/>	<input type="text"/>														
	<input type="text"/>	<input type="text"/>														
	Percent	<input type="text" value="0%"/>														
Matrix Notes	<input type="text" value="Failure to take all required samples may expose the public to a significant amount of undetected contaminants that exceed levels protective of human health."/>															
	Adjustment	<input type="text" value="\$750"/>														
		<input type="text" value="\$250"/>														
Violation Events																
	Number of Violation Events <input type="text" value="2"/>	<input type="text" value="62"/> Number of violation days														
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text" value="x"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text" value="x"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text" value="x"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
	<input type="text" value="Two monthly events are recommended."/>															
Good Faith Efforts to Comply																
	<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$125"/>														
	Before NOV NOV to EDPRP/Settlement Offer															
Extraordinary	<input type="text"/>	<input type="text"/>														
Ordinary	<input type="text" value="x"/>	<input type="text"/>														
N/A	<input type="text"/>	(mark with x)														
Notes	<input type="text" value="The Respondent has complied with the coliform monitoring requirements and provided water that meets the provisions regarding microbial contaminants since August 2008."/>															
	Violation Subtotal	<input type="text" value="\$375"/>														
Economic Benefit (EB) for this violation																
	Statutory Limit Test															
Estimated EB Amount	<input type="text" value="\$185"/>	Violation Final Penalty Total <input type="text" value="\$720"/>														
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$720"/>															

Economic Benefit Worksheet

Respondent: Amistad Lake Developments, Inc.

Case ID No.: 37029

Reg. Ent. Reference No.: RN101177541

Media: Public Water Supply

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1]: avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$175	1-Jul-2007	1-Sep-2007	1.09	\$10	\$175	\$185
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to collect a set of repeat distribution coliform samples (four samples for July and one sample for August at \$ 25 per sample and \$ 25 per month for public notice) for the months when the violations occurred.

Approx. Cost of Compliance

\$175

TOTAL

\$185

<p>Screening Date 15-Jan-2009</p> <p>Respondent Amistad Lake Developments, Inc.</p> <p>Case ID No. 37029</p> <p>Reg. Ent. Reference No. RN101177541</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Christopher Keffer</p> <p>Violation Number <input type="text" value="2"/></p> <p>Rule Cite(s) <input type="text" value="30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(c)(2)(B)"/></p> <p>Violation Description <input type="text" value="Failed to collect at least five distribution coliform samples during the months following a total coliform-positive sample result and failed to provide public notification of the failure to collect samples during the months of August and September 2007 and February 2008."/></p>	<p>Docket No. 2009-0078-PWS-E</p> <p style="text-align: right;">PCW</p> <p style="text-align: right;"><small>Policy Revision 2 (September 2002)</small></p> <p style="text-align: right;"><small>PCW Revision October 30, 2008</small></p>																			
Base Penalty <input type="text" value="\$1,000"/>																				
>> Environmental, Property and Human Health Matrix																				
<p>OR</p> <table border="1" style="margin-left: 20px;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: right;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;">Percent <input type="text" value="25%"/></td> </tr> <tr> <td style="text-align: right;">Potential</td> <td><input type="text" value="x"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm					Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
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Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																
Adjustment <input type="text" value="\$750"/>																				
<input type="text" value="\$250"/>																				
Violation Events																				
<p>Number of Violation Events <input type="text" value="3"/></p> <p>Number of violation days <input type="text" value="90"/></p> <p><small>mark only one with an x</small></p> <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text" value="x"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text" value="x"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	<p>Violation Base Penalty <input type="text" value="\$750"/></p>					
daily	<input type="text"/>																			
weekly	<input type="text"/>																			
monthly	<input type="text" value="x"/>																			
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Good Faith Efforts to Comply																				
<table border="1" style="margin-left: 20px;"> <tr> <td></td> <td colspan="2" style="text-align: center;">25.0% Reduction</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;"><small>Before NOV</small></td> <td style="text-align: center;"><small>NOV to EDRP/Settlement Offer</small></td> <td></td> </tr> <tr> <td style="text-align: right;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="3" style="vertical-align: middle;">Violation Subtotal <input type="text" value="\$563"/></td> </tr> <tr> <td style="text-align: right;">Ordinary</td> <td><input type="text" value="x"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: right;">N/A</td> <td><input type="text"/></td> <td><small>(mark with x)</small></td> </tr> </table> <p>Notes <input type="text" value="The Respondent has complied with the coliform monitoring requirements and provided water that meets the provisions regarding microbial contaminants since August 2008."/></p>		25.0% Reduction				<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>		Extraordinary	<input type="text"/>	<input type="text"/>	Violation Subtotal <input type="text" value="\$563"/>	Ordinary	<input type="text" value="x"/>	<input type="text"/>	N/A	<input type="text"/>	<small>(mark with x)</small>		
	25.0% Reduction																			
	<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>																		
Extraordinary	<input type="text"/>	<input type="text"/>	Violation Subtotal <input type="text" value="\$563"/>																	
Ordinary	<input type="text" value="x"/>	<input type="text"/>																		
N/A	<input type="text"/>	<small>(mark with x)</small>																		
Economic Benefit (EB) for this violation																				
<p>Estimated EB Amount <input type="text" value="\$403"/></p>	<p>Statutory Limit Test</p> <p>Violation Final Penalty Total <input type="text" value="\$1,081"/></p> <p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,081"/></p>																			

Economic Benefit Worksheet

Respondent: Amistad Lake Developments, Inc.
Case ID No.: 37029
Reg. Ent. Reference No.: RN101177541
Media: 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
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Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$375	1-Aug-2007	1-Mar-2008	1.50	\$28	\$375	\$403
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to collect four additional distribution coliform samples during the months following a total coliform positive sample was collected (four additional samples for August, September and February were required at \$ 25 per sample and \$ 25 per month for public notice), calculated for the months during which increased sampling should have occurred.

Approx. Cost of Compliance	\$375	TOTAL	\$403
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Compliance History Report

Customer/Respondent/Owner-Operator:	CN603173147 Amistad Lake Developments, Inc.	Classification:	Rating:
Regulated Entity:	RN101177541 AMISTAD LAKE RESORT	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		2330015
Location:	11207 Highway 90 West, ValVerde County, Texas		
TCEQ Region:	REGION 16 - LAREDO		
Date Compliance History Prepared:	January 14, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 14, 2004 to January 14, 2009		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Christopher Keffer	Phone:	(512) 239-5610

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? | Yes |
| 3. If Yes, who is the current owner? | <u>Amistad Lake Developments, Inc.</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>Rodriguez and Calderon, L. L. C.</u> |
| 5. When did the change(s) in ownership occur? | <u>01/01/2007</u> |
| 6. | |

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 | 11/16/2004 | (340452) |
| 2 | 12/19/2008 | (721963) |
| 3 | 12/22/2008 | (721994) |
| 4 | 12/22/2008 | (721996) |
| 5 | 12/22/2008 | (722000) |
| 6 | 12/23/2008 | (722053) |

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

- | | | | |
|--------------|--|-----------------|----------|
| Date: | 11/17/2004 (340452) | CN603173147 | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B) | | |
| Description: | Failure to provide a well casing which extends a minimum of 18 inches above the elevation of the ground surface. | | |
| Date: | 09/10/2007 (721963) | CN603173147 | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii) | | |
| Description: | TCR Repeat Monitoring Violation 07/2007 - Failure to collect any repeats following a coliform found result. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B) | | |
| Description: | TCR PN Repeat Monitoring Violation 07/2007 - Failure to post public notice for not | | |

collecting any repeats following a coliform found result.

Date: 10/23/2007 (721994) CN603173147
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 08/2007 - Failure to collect all repeats following a coliform found result.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Repeat Monitoring Violation 08/2007 - Failure to post public notice for not collecting all repeats following a coliform found result.

Date: 12/20/2007 (721996) CN603173147
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: TCR Increase Monitoring Violation 09/2007 - Failure to collect all 5 distribution samples following a coliform found month.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Increase Monitoring Violation 09/2007 - Failure to post public notice for not collecting all 5 distribution samples following a coliform found month.

Date: 04/16/2008 (722000) CN603173147
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: TCR Increase Monitoring Violation 02/2008 - Failure to collect all 5 distribution samples following a coliform found month.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Increase Monitoring Violation 02/2008 - Failure to post public notice for not collecting all 5 distribution samples following a coliform found month.

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
AMISTAD LAKE
DEVELOPMENTS, INC.,
RN101177541**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0078-PWS-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Amistad Lake Developments, Inc. (AMISTAD) under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and AMISTAD presented this agreement to the Commission.

AMISTAD understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, AMISTAD agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon AMISTAD.

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

FINDINGS OF FACT

1. AMISTAD owns and operates a public water supply system located at 11207 Highway 90 West, Del Rio, Val Verde County, Texas (the "Facility").
2. The Facility provides water for human consumption, has approximately 42 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).

3. During a record review on March 1, 2008, a TCEQ central office investigator documented that AMISTAD:
 - a. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notification of the failure to collect samples during the months of July and August 2007.
 - b. Failed to collect at least five distribution coliform samples during the months following a total coliform-positive sample result and failed to provide public notification of the failure to collect samples during the months of August and September 2007 and February 2008.
4. AMISTAD received notice of the violations on or about December 28, 2008.
5. The Executive Director recognizes that AMISTAD has complied with the coliform monitoring requirements and provided water that meets the provisions regarding microbial contaminants since August 2008.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, AMISTAD is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., AMISTAD failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notification of the failure to collect samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B).
3. As evidenced by Finding of Fact No. 3.b., AMISTAD failed to collect at least five distribution coliform samples during the months following a total coliform positive sample result and failed to provide public notification of the failure to collect samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(B).
4. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against AMISTAD 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.

5. An administrative penalty in the amount of one thousand eight hundred one dollars (\$1,801.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE ch. 341. AMISTAD paid one hundred one dollars (\$101.00) of the administrative penalty. The remaining amount of one thousand seven hundred dollars (\$1,700.00) of the administrative penalty shall be payable in seventeen (17) monthly payments of one hundred dollars (\$100.00) dollars each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted no later than 30 days following the due date of the previous payment. If AMISTAD fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of AMISTAD to meet the payment schedule of this Agreed Order constitutes the failure by AMISTAD to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. AMISTAD is assessed an administrative penalty in the amount of one thousand eight hundred one dollars (\$1,801.00) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and AMISTAD's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Amistad Lake Developments, Inc., Docket No. 2009-0078-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. 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 AMISTAD if the Executive Director determines that AMISTAD has not complied with one or more of the terms or conditions in this Agreed Order.

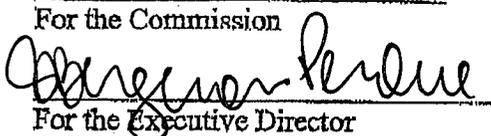
3. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
4. This Agreed Order, issued by the Commission, shall not be admissible against AMISTAD in a civil proceeding, unless the proceeding 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.
5. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
6. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Agreed Order to AMISTAD, or three days after the date on which the Commission mails notice of the Agreed Order to AMISTAD, whichever is earlier.

Amistad Lake Developments, Inc.
DOCKET NO. 2009-0078-PWS-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

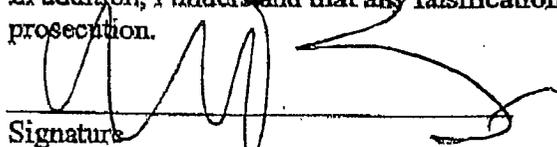
7/21/2009
~~5/29/09~~
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Amistad Lake Developments, Inc. I represent that I am authorized to agree to the attached Agreed Order on behalf of Amistad Lake Developments, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on AMISTAD's compliance history;
- Greater scrutiny of any permit applications submitted by AMISTAD;
- 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 AMISTAD;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.


Signature

5/29/09
Date

Michael Bonnee MICHAEL BONNEE
Name (printed or typed)
Authorized Representative
Amistad Lake Developments, Inc.

Director/Chief Operating Officer
Title