

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2009-0630-PWS-E **TCEQ ID:** RN104711247 **CASE NO.:** 37547  
**RESPONDENT NAME:** Amistad Lago Villa Homeowner's Association, Inc.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Lago Vista Water System, located five miles west of Del Rio on Highway 90, Val Verde County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 31, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Sam Salem, Registered Agent, Amistad Lago Villa Homeowner's Association, Inc., P.O. Box 421907, Del Rio, Texas 78840  Mr. Stephen L. Walkinshaw, Treasurer, Amistad Lago Villa Homeowner's Association, Inc., P.O. Box 421907, Del Rio, Texas 78840  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 10, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 15, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to secure a sanitary control easement covering all property within 150 feet of the Facility's two water wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>2) Failure to provide a flow measuring device on each well to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>3) Failure to provide accurate metering devices at each residential, commercial, or industrial service connection for the accumulation of water usage data [30 TEX. ADMIN. CODE § 290.44(d)(4)].</p> <p>4) Failure to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>5) Failure to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].</p>	<p><b>Total Assessed:</b> \$2,622</p> <p><b>Total Deferred:</b> \$524  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,098</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin verifying the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least every 30 days using chlorine solutions of known concentration;</p> <p>ii. Complete a customer service inspection certificate at the new construction connection added to the Facility; and</p> <p>iii. Begin properly maintaining all water system records and provide a copy of the following records: drought contingency plan, customer service agreements, chemical and microbiological monitoring plan, and plans and specifications for the Facility's wells and the pressure tank.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance that demonstrates compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order, install flow measuring devices on each well to measure production yields and provide for the accumulation of data of the amount of water treated each week;</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance that demonstrates compliance with Ordering Provision c.</p> <p>e. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Obtain sanitary control easements or Commission approval of an exception to the easement requirement that covers the land within 150 feet of the Facility's two water wells; and</p>

<p>6) Failure to keep on file and make available for Commission review water system records [30 TEX. ADMIN. CODE § 290.46(f)].</p>		<p>ii. Install accurate metering devices at each service connection within the Facility's distribution system.</p> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): PWS ID No. 2330055





Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Apr-2009	Screening	30-Apr-2009	EPA Due	
	PCW	4-May-2009				

## RESPONDENT/FACILITY INFORMATION

Respondent	Amistad Lago Villa Homeowner's Association, Inc.		
Reg. Ent. Ref. No.	RN104711247		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	37547	No. of Violations	6
Docket No.	2009-0630-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Yuliya Dunaway
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000
		EC's Team	Enforcement Team 2

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$2,460

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **5.0% Enhancement** **Subtotals 2, 3, & 7** \$123

Notes: The penalty enhancement is due to one prior NOV for violations that are the same as or similar to the violations in the current enforcement action.

Culpability **No** **0.0% Enhancement** **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0Economic Benefit **0.0% Enhancement\*** **Subtotal 6** \$0Total EB Amounts \$225  
Approx. Cost of Compliance \$2,600

\*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$2,583OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$2,583STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$2,622DEFERRAL **20.0%** Reduction **Adjustment** -\$524

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY \$2,098

**Screening Date** 30-Apr-2009

**Docket No.** 2009-0630-PWS-E

**PCW**

**Respondent** Amistad Lago Villa Homeowner's Association, Inc.

Policy Revision 2 (September 2002)

**Case ID No.** 37547

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN104711247

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Yuliya Dunaway

### 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>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of 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 submitted)</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)** 5%

>> **Repeat Violator (Subtotal 3)**

N/A

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

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

The penalty enhancement is due to one prior NOV for violations that are the same as or similar to the violations in the current enforcement action.

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

**Screening Date** 30-Apr-2009 **Docket No.** 2009-0630-PWS-E **PCW**  
**Respondent** Amistad Lago Villa Homeowner's Association, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37547 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN104711247  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway  
**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(1)(F)  
**Violation Description** Failed to secure a sanitary control easement covering all property within 150 feet of the Facility's two water wells.  
**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
Potential			X	5%	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Failure to secure a sanitary control easement could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events: 2      51      Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$100

Two single events (one for each well) are recommended.

**Good Faith Efforts to Comply**      0.0% Reduction      \$0

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

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$100

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

Estimated EB Amount: \$16      Violation Final Penalty Total: \$105

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

## Economic Benefit Worksheet

**Respondent** Amistad Lago Villa Homeowner's Association, Inc.

**Case ID No.** 37547

**Reg. Ent. Reference No.** RN104711247

**Media** Public Water Supply

**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$300	10-Mar-2009	1-Apr-2010	1.06	\$16	n/a	\$16
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to secure sanitary control easements for two water wells and file the easements in the county courthouse; calculated 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)**

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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

**TOTAL**

\$16

**Screening Date** 30-Apr-2009      **Docket No.** 2009-0630-PWS-E      **PCW**  
**Respondent** Amistad Lago Villa Homeowner's Association, Inc.      *Policy Revision 2 (September 2002)*  
**Case ID No.** 37547      *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN104711247  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway  
**Violation Number**   
**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"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

**Matrix Notes**

**Adjustment**

Violation Events

Number of Violation Events        Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<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**

Good Faith Efforts to Comply

Reduction     

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

**Notes**

**Violation Subtotal**

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** Amistad Lago Villa Homeowner's Association, Inc.  
**Case ID No.** 37547  
**Reg. Ent. Reference No.** RN104711247  
**Media** Public Water Supply  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment	\$600	10-Mar-2009	1-Mar-2010	0.98	\$2	\$39	\$41
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

The delayed costs include the amount to install flow measuring devices at the two water wells at the Facility, calculated 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)

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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$600

TOTAL \$41

<b>Screening Date</b> 30-Apr-2009	<b>Docket No.</b> 2009-0630-PWS-E	<b>PCW</b>																
<b>Respondent</b> Amistad Lago Villa Homeowner's Association, Inc.		<small>Policy Revision 2 (September 2002)</small>																
<b>Case ID No.</b> 37547		<small>PCW Revision October 30, 2008</small>																
<b>Reg. Ent. Reference No.</b> RN104711247																		
<b>Media [Statute]</b> Public Water Supply																		
<b>Enf. Coordinator</b> Yuliya Dunaway																		
<b>Violation Number</b>	3																	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.44(d)(4)																	
<b>Violation Description</b>	Failed to provide accurate metering devices at each residential, commercial, or industrial service connection for the accumulation of water usage data. Specifically, at the time of the investigation, no metering devices were observed at all 20 residential connections in the distribution system.																	
	<b>Base Penalty</b>	\$1,000																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																		
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual				Potential				<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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	Major	Moderate	Minor															
Falsification		x																
<b>Matrix Notes</b>	100% of the rule requirements were not met.																	
	<b>Adjustment</b>	\$900																
		\$100																
<b>Violation Events</b>																		
	<b>Number of Violation Events</b>	20																
		51																
		<b>Number of violation days</b>																
<small>mark only one with an x</small>	<table style="width:100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">weekly</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">annual</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">single event</td><td style="border: 1px solid black; text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b>		
daily																		
weekly																		
monthly																		
quarterly																		
semiannual																		
annual																		
single event	x																	
		\$2,000																
	Twenty single events (one per connection) are recommended.																	
<b>Good Faith Efforts to Comply</b>																		
	<b>0.0%</b> Reduction	\$0																
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="border: 1px solid black; text-align: center;">x</td> <td style="border: 1px solid black; text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDRP/Settlement Offer	Extraordinary			Ordinary			N/A	x	(mark with x)					
	Before NOV	NOV to EDRP/Settlement Offer																
Extraordinary																		
Ordinary																		
N/A	x	(mark with x)																
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																	
	<b>Violation Subtotal</b>	\$2,000																
<b>Economic Benefit (EB) for this violation</b>																		
	<b>Estimated EB Amount</b>	\$104																
	<b>Statutory Limit Test</b>																	
	<b>Violation Final Penalty Total</b>	\$2,100																
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$2,100																

### Economic Benefit Worksheet

**Respondent** Amistad Lago Villa Homeowner's Association, Inc.  
**Case ID No.** 37547  
**Reg. Ent. Reference No.** RN104711247  
**Media** Public Water Supply  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment	\$1,400	10-Mar-2009	1-Apr-2010	1.06	\$5	\$99	\$104
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

The delayed costs include the amount to install metering devices (\$70 per meter) at all 20 residential connections, calculated 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)**

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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,400	<b>TOTAL</b>	\$104
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<b>Screening Date</b> 30-Apr-2009	<b>Docket No.</b> 2009-0630-PWS-E	<b>PCW</b>		
<b>Respondent</b> Amistad Lago Villa Homeowner's Association, Inc.		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37547		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN104711247				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Yuliya Dunaway				
<b>Violation Number</b>	<input type="text" value="4"/>			
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(j)"/>			
<b>Violation Description</b>	<input type="text" value="Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist. Specifically, at the time of the investigation, it was documented that a customer service inspection certificate was not completed on one new connection."/>			
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Percent</b>				<input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
<b>Percent</b>				<input type="text" value="10%"/>
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirements were not met."/>			
<b>Adjustment</b>		<input type="text" value="\$900"/>		
		<input type="text" value="\$100"/>		
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="51"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
<b>Violation Base Penalty</b>				<input type="text" value="\$100"/>
<input type="text" value="One single event is recommended."/>				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0% Reduction"/>		
		<input type="text" value="\$0"/>		
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	(mark with x)		
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
<b>Violation Subtotal</b>				<input type="text" value="\$100"/>
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$7"/>	<b>Violation Final Penalty Total</b>	
				<input type="text" value="\$105"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$105"/>

### Economic Benefit Worksheet

**Respondent** Amistad Lago Villa Homeowner's Association, Inc.  
**Case ID No.** 37547  
**Reg. Ent. Reference No.** RN104711247  
**Media** Public Water Supply  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**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	\$150	10-Mar-2009	1-Feb-2010	0.90	\$7	n/a	\$7
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed costs include the amount to obtain and maintain a customer service inspection certificate for the new construction connection added to the Facility, calculated 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)**

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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$150

**TOTAL** \$7

<b>Screening Date</b> 30-Apr-2009	<b>Docket No.</b> 2009-0630-PWS-E	<b>PCW</b>																			
<b>Respondent</b> Amistad Lago Villa Homeowner's Association, Inc.		<small>Policy Revision 2 (September 2002)</small>																			
<b>Case ID No.</b> 37547		<small>PCW Revision October 30, 2008</small>																			
<b>Reg. Ent. Reference No.</b> RN104711247																					
<b>Media [Statute]</b> Public Water Supply																					
<b>Enf. Coordinator</b> Yuliya Dunaway																					
<b>Violation Number</b>	5																				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(s)(2)(C)(i)																				
<b>Violation Description</b>	Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations. Specifically, at the time of the investigation, it was documented that the Hach Pocket II Colorimeter was not being calibrated as required.																				
	<b>Base Penalty</b>	\$1,000																			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <th colspan="3" style="text-align: center;">Harm</th> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="width: 50px;"></td> <td style="width: 50px;"></td> <td style="width: 50px;"></td> <td style="text-align: right;"><b>Percent</b></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td style="text-align: right;">5%</td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual				<b>Percent</b>	Potential			x	5%
	Harm																				
Release	Major	Moderate	Minor																		
Actual				<b>Percent</b>																	
Potential			x	5%																	
<b>&gt;&gt; Programmatic Matrix</b>																					
Matrix Notes	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td style="width: 50px;"></td> <td style="width: 50px;"></td> <td style="width: 50px;"></td> <td style="text-align: right;"><b>Percent</b></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">0%</td> </tr> </table>		Major	Moderate	Minor		Falsification				<b>Percent</b>					0%					
	Major	Moderate	Minor																		
Falsification				<b>Percent</b>																	
				0%																	
	Failure to verify the accuracy of the disinfectant analyzers could result in customers of the water supply being exposed to an insignificant amounts of contamination which would not exceed levels that are protective of human health.																				
	<b>Adjustment</b>	\$950																			
		\$50																			
<b>Violation Events</b>																					
	Number of Violation Events	1																			
		51																			
		Number of violation days																			
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="width: 50px;"></td></tr> <tr><td style="text-align: center;">weekly</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b>					
daily																					
weekly																					
monthly																					
quarterly																					
semiannual																					
annual																					
single event	x																				
		\$50																			
	One single event is recommended.																				
<b>Good Faith Efforts to Comply</b>																					
	0.0% Reduction	\$0																			
	Before NOV	NOV to EDPRP/Settlement Offer																			
Extraordinary																					
Ordinary																					
N/A	x	(mark with x)																			
Notes	The Respondent does not meet the good faith criteria for this violation.																				
	<b>Violation Subtotal</b>	\$50																			
<b>Economic Benefit (EB) for this violation</b>																					
	<b>Estimated EB Amount</b>	\$53																			
<b>Statutory Limit Test</b>																					
	<b>Violation Final Penalty Total</b>	\$53																			
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>																				
		\$53																			

## Economic Benefit Worksheet

**Respondent** Amistad Lago Villa Homeowner's Association, Inc.  
**Case ID No.** 37547  
**Reg. Ent. Reference No.** RN104711247  
**Media** 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
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No commas or \$

**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]	\$50	7-Feb-2009	10-Mar-2009	1.00	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to verify the accuracy of the chlorine residual analyzers once per month, calculated 30 days prior to the investigation date.

Approx. Cost of Compliance \$50

TOTAL \$53

<b>Screening Date</b> 30-Apr-2009	<b>Docket No.</b> 2009-0630-PWS-E	<b>PCW</b>	
<b>Respondent</b> Amistad Lago Villa Homeowner's Association, Inc.	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37547	<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN104711247			
<b>Media [Statute]</b> Public Water Supply			
<b>Enf. Coordinator</b> Yuliya Dunaway			
<b>Violation Number</b>	6		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(f)		
<b>Violation Description</b>	Failed to keep on file and make available for Commission review water system records. Specifically, at the time of the investigation, it was documented that system personnel failed to provide the following records from a list of records that was requested to be available for review: drought contingency plan, customer service agreements, chemical and microbiological monitoring plan, plans and specifications for the Facility's wells and the pressure tank.		
<b>Base Penalty</b>		\$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Harm</b>		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			0%
<b>&gt;&gt; Programmatic Matrix</b>			
	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Percent
			1%
<b>Matrix Notes</b>	Less than 30% of the rule requirements were not met.		
<b>Adjustment</b>		\$990	
		\$10	
<b>Violation Events</b>			
	<input type="checkbox"/>	<input type="checkbox"/>	Number of violation days
	1	51	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b>
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
<input type="checkbox"/>		\$10	
One single event is recommended.			
<b>Good Faith Efforts to Comply</b>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reduction
	0.0%		\$0
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>		\$10	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="checkbox"/>	<b>Violation Final Penalty Total</b>	<input type="checkbox"/>
	\$4		\$11
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="checkbox"/>	
		\$50	

## Economic Benefit Worksheet

**Respondent** Amistad Lago Villa Homeowner's Association, Inc.  
**Case ID No.** 37547  
**Reg. Ent. Reference No.** RN104711247  
**Media** Public Water Supply  
**Violation No.** 6

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**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	\$100	10-Mar-2009	1-Feb-2010	0.90	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to keep on file and make all water system records available for review, calculated 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)**

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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN602883928 Amistad Lago Villa Homeowner's Association, Inc.	Classification:	Rating:
Regulated Entity:	RN104711247 LAGO VISTA WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		2330055
Location:	5 MI W OF DEL RIO ON HWY 90, VAL VERDE COUNTY, TX		
TCEQ Region:	REGION 16 - LAREDO		
Date Compliance History Prepared:	April 30, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 30, 2004 to April 30, 2009		

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

Name: Yuliya Dunaway Phone: 210-403-4077

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

### Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

- |   |            |          |
|---|------------|----------|
| 1 | 02/02/2006 | (451016) |
| 2 | 09/13/2006 | (512032) |
| 3 | 03/19/2007 | (553850) |
| 4 | 04/15/2009 | (737525) |

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

Date:	02/03/2006 (451016)	CN602883928	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 288, SubChapter B 288.20		
Description:	Failure to provide a copy of an adopted drought contingency plan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Failure to make available sanitary control easements for North and South wells at the time of the investigation.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)		
Description:	Failure to submit well completion data on North and South wells for our review and approval.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)		

Description:	Failure to provide a suitable sampling tap on each well pump discharge line.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)		
Description:	Failure to install a flow meter on each well pump discharge line.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.44(d)(4)		
Description:	Failure to provide accurate metering devices at each service connection to provide water usage data.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(b)		
Description:	Failure to submit samples for bacteriological analysis.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)		
Description:	Failure to maintain required records.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4)(A)		
Description:	Failure to submit the quarterly disinfection report.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(i)		
Description:	Failure to adopt an adequate plumbing ordinance, regulations or a service agreement with provisions for proper enforcement.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(j)		
Description:	Failure to complete a customer service inspection certification prior to providing continuous water service to new construction.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
Description:	Failure to conduct annual tank inspections.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)		
Description:	Failure to maintain and make available an accurate and up-to-date map of the distribution system.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(t)		
Description:	Failure to post a legible sign at each of the production, treatment, and storage facilities by the community system.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)		
Description:	Failure to develop and maintain and Monitoring Plan.		

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 LAGO VILLA  
HOMEOWNER'S ASSOCIATION,  
INC.  
RN104711247

§  
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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-0630-PWS-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Amistad Lago Villa Homeowner's Association, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply five miles west of Del Rio on Highway 90, Val Verde County, Texas (the "Facility") that has approximately 20 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 20, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Thousand Six Hundred Twenty-Two Dollars (\$2,622) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Ninety-Eight Dollars (\$2,098) of the administrative penalty and Five Hundred Twenty-Four Dollars (\$524) is deferred contingent upon

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

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to secure a sanitary control easement covering all property within 150 feet of the Facility's two water wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on March 10, 2009.
2. Failed to provide a flow measuring device on each well to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during an investigation conducted on March 10, 2009.
3. Failed to provide accurate metering devices at each residential, commercial, or industrial service connection for the accumulation of water usage data, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(4), as documented during an investigation conducted on March 10, 2009.
4. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on March 10, 2009.
5. Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i), as documented during an investigation conducted on March 10, 2009.

6. Failed to keep on file and make available for Commission review water system records, in violation of 30 TEX. ADMIN. CODE § 290.46(f), as documented during an investigation conducted on March 10, 2009.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Amistad Lago Villa Homeowner's Association, Inc., Docket No. 2009-0630-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Begin verifying the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least every 30 days using chlorine solutions of known concentration, as required by 30 TEX. ADMIN. CODE § 290.46;
    - ii. Complete a customer service inspection certificate at the new construction connection added to the Facility, as required by 30 TEX. ADMIN. CODE § 290.46; and
    - iii. Begin properly maintaining all water system records and provide a copy of the following records: drought contingency plan, customer service agreements, chemical and microbiological monitoring plan, plans and specifications for the Facility's wells and the pressure tank, as required by 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 2.f, that demonstrates compliance with Ordering Provision No. 2.a.

- c. Within 60 days after the effective date of this Agreed Order, install flow measuring devices on each well to measure production yields and provide for the accumulation of data of the amount of water treated each week, as required by 30 TEX. ADMIN. CODE § 290.42.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 2.f, that demonstrates compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Agreed Order:
  - i. Obtain sanitary control easements or Commission approval of an exception to the easement requirement that covers the land within 150 feet of the Facility's two water wells, as required by 30 TEX. ADMIN. CODE § 290.41; and
  - ii. Install accurate metering devices at each service connection within the Facility's distribution system, as required by 30 TEX. ADMIN. CODE § 290.44.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Laredo Regional Office  
Texas Commission on Environmental Quality  
707 East Calton Road, Suite 304  
Laredo, Texas 78041-3887

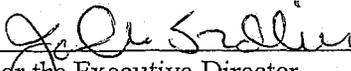
- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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 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 under this Agreed Order.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

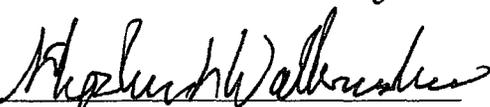
8/6/2009  
\_\_\_\_\_  
Date

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

  
\_\_\_\_\_  
Signature

6-28-09  
\_\_\_\_\_  
Date

Stephen L. Walkinshaw  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Amistad Lago Villa Homeowner's Association, Inc.

Treasurer  
\_\_\_\_\_  
Title

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