

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1944-PWS-E **TCEQ ID:** RN101266948 **CASE NO.:** 35040

RESPONDENT NAME: Lake Ridge Water System L.P. dba Lake Ridge Properties, 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 AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Lake Ridge Estates, located at the Intersection of Lenawee and Kenwood, Del Rio, Val Verde County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on October 2, 2007, alleging loss of water pressure and water on October 1 and October 2, 2007. The complainant also alleges that no notice to boil water or loss of pressure had been issued. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 24, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. A. Leon Thompson, Jr., President, Lake Ridge Water System L.P., 1301 South Capital of Texas Highway, Suite 234A, Austin, Texas 78746 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-1944-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: October 2, 2007</p> <p>Date of Investigation Relating to this Case: October 3, 2007</p> <p>Date of NOV/NOE Relating to this Case: November 14, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>1) Failure to provide a boil water notice to the customers of the water system within 24 hours following a drop in the distribution pressure below 20 pounds per square inch [30 TEX. ADMIN. CODE § 290.46(q)(1)].</p> <p>2) Failure to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>Total Assessed: \$374</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$374</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Provided documentation showing that a boil water notice had been issued to the customers of the water system on October 3, 2007; and</p> <p>b. On October 6, 2007, provided documentation showing that maintenance had been performed to increase the free chlorine residual level to a minimum of 0.2 mg/L throughout the distribution system.</p>

Additional ID No(s): PWS ID 2330029

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision November 6, 2007

TCEQ
DATES
 Assigned PCW: 9-Nov-2007
 PCW: 4-Dec-2007
 Screening: 4-Dec-2007
 EPA Due:

RESPONDENT/FACILITY INFORMATION
 Respondent: Lake Ridge Water System L.P. dba Lake Ridge Properties, Inc.
 Reg. Ent. Ref. No.: RN101266948
 Facility/Site Region: 16-Laredo
 Major/Minor Source: Minor

CASE INFORMATION
 Enf./Case ID No.: 35040
 Docket No.: 2007-1944-PWS-E
 Media Program(s): Public Water Supply
 Multi-Media:
 Admin. Penalty \$ Limit Minimum: \$50 Maximum: \$1,000
 No. of Violations: 2
 Order Type: Findings
 Enf. Coordinator: Stephen Thompson
 EC's Team: Enforcement Team 2

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **Subtotals 2, 3, & 7**
 37% Enhancement
 Notes:

Culpability **Subtotal 4**
 No 0% Enhancement
 Notes:

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

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

 Notes:

Other Adjustments **Subtotal 6**
 Total EB Amounts: \$100
 Approx. Cost of Compliance: \$100
 0% Enhancement*
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**
 36%
 Notes:

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**
 0% Reduction
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)
 Notes:

PAYABLE PENALTY

Screening Date 4-Dec-2007

Docket No. 2007-1944-PWS-E

PCW

Respondent Lake Ridge Water System L.P. dba Lake Ridge Propertie

Policy Revision 2 (September 2002)

Case ID No. 35040

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101266948

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

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)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 37%

>> 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 three prior Notices of Violation ("NOVs") containing violations that are the same or similar to the violations included in the enforcement action, one dissimilar NOV, and one agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 37%

Screening Date 4-Dec-2007	Docket No. 2007-1944-PWS-E	PCW
Respondent Lake Ridge Water System L.P. dba Lake Ridge Properties, Inc.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35040	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN101266948		
Media [Statute] Public Water Supply		
Enf. Coordinator Stephen Thompson		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 290.46(q)(1)	
Violation Description	Failed to provide a boil water notice to the customers of the water system within 24 hours following a drop in the distribution pressure below 20 pounds per square inch ("psi"). Specifically, a boil water notice was not provided within 24 hours to the customers of the water system following a drop in distribution pressure below 20 psi that occurred on October 1, 2007.	
	Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent	0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>		
					Percent	10%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$900
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	Adjustment	\$100
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Violation Events

Number of Violation Events	1		Number of violation days	1
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		daily	<input type="checkbox"/>	
		monthly	<input type="checkbox"/>	
		quarterly	<input type="checkbox"/>	
		semiannual	<input type="checkbox"/>	
		annual	<input type="checkbox"/>	
<i>mark only one with an x</i>		single event	x	

Violation Base Penalty	\$100
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One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$50	\$187
This violation Final Assessed Penalty (adjusted for limits)	
\$187	

Economic Benefit Worksheet

Respondent Lake Ridge Water System L.P. dba Lake Ridge Properties, Inc.
Case ID No. 35040
Reg. Ent. Reference No. RN101266948
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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	1-Oct-2007	2-Oct-2007	0.0	\$0	\$50	\$50
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary to provide all customers of the water supply with a proper boil water notification, calculated from the date on which the violation occurred to 24 hours after the violation.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 4-Dec-2007	Docket No. 2007-1944-PWS-E	PCW		
Respondent Lake Ridge Water System L.P. dba Lake Ridge Properties, Inc.	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35040	<i>PCW Revision November 6, 2007</i>			
Reg. Ent. Reference No. RN101266948				
Media [Statute] Public Water Supply				
Enf. Coordinator Stephen Thompson				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(d)(2)(A) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, on October 3, 2007 the free chlorine residual was 0.12 mg/L at Lenawee Street, Del Rio, Texas.			
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"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	
		Percent	<input type="text" value="10%"/>	
>> Programmatic Matrix				
Falsification				
Major			Minor	
<input type="text"/>			<input type="text"/>	
		Percent	<input type="text" value="0%"/>	
Matrix Notes	If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to significant amount of contaminants which would not exceed levels that are protective of human health.			
		Adjustment	<input type="text" value="\$900"/>	
		<input type="text" value="\$100"/>		
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="1"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input checked="" type="checkbox"/>	<input type="text" value="\$100"/>		
One single event is recommended.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$50"/>	Violation Final Penalty Total	
			<input type="text" value="\$187"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$187"/>	

Economic Benefit Worksheet

Respondent Lake Ridge Water System L.P. dba Lake Ridge Properties, Inc.

Case ID No. 35040

Reg. Ent. Reference No. RN101266948

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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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$50	3-Oct-2007	6-Oct-2007	0.0	\$0	\$50	\$50

Notes for AVOIDED costs

The avoided costs include the amount of additional maintenance and oversight necessary to ensure that a free chlorine residual of 0.2 mg/L is maintained at all times throughout the distribution system, calculated from the date on which the violation occurred to the date of compliance.

Approx. Cost of Compliance

\$50

TOTAL

\$50

Compliance History

Customer/Respondent/Owner-Operator:	CN602865610	Lake Ridge Water System LP dba Lake Ridge Properties, Inc.	Classification:	Rating:
Regulated Entity:	RN101266948	LAKE RIDGE ESTATES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	2330029
	WATER LICENSING		LICENSE	2330029
Location:	INTERSECTION OF LENAWEE AND KENWOOD, DEL RIO, TX			
TCEQ Region:	REGION 16 - LAREDO			
Date Compliance History Prepared:	November 29, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	November 29, 2002 to November 29, 2007			

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

Name: Stephen Thompson Phone: 512-239-2558

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? | Lake Ridge Water System LP dba Lake Ridge Properties, Inc. |
| 4. If Yes, who was/were the prior owner(s)? | Lake Ridge Properties, Incorporated |
| 5. When did the change(s) in ownership occur? | 11/27/2007 |

Components (Multimedia) for the Site :

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

- Effective Date: 10/10/2005 ADMINORDER 2004-1928-PWS-E
- Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failure to provide sanitary control easements for the wells.
- Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
 5A THC Chapter 341, SubChapter A 341.033(a)
 Description: Failure to have a certified Class "D" or higher licensed operator for a groundwater system serving no more than 250 connections.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
 Description: Failure to obtain Customer Service Agreements and Customer Service Inspections prior to providing water service.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 Description: Failure to maintain a minimum of 0.2 mg/l free chlorine residual throughout the distribution.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
 Description: Failure to produce documentation of the annual tank inspections for each of the system's ground, elevated, and pressure tanks by water system personnel or a contracted inspection service.
- Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 Description: Failure to have the water system's operating records available for review during inspections.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 Description: Failure to submit a Quarterly Distribution Report for Public Water Systems each quarter.
- Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Failure to provide a storage capacity of 200 gallons per connection.

Classification: Moderate

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

Description: Failure to provide a service pump capacity of 2.0 gallons per minute per connection.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51

Description: Failed to pay the Water Quality Fee for fiscal year 2002 (TCEQ Financial Administration Account No. 23600121), and Public Health Service fee for fiscal year 2003 and 2004 (TCEQ Financial Administration Account No. 92330029).

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	04/22/2004	(269593)
2	11/18/2004	(341116)
3	02/22/2006	(455102)
4	04/12/2006	(460661)
5	08/10/2007	(566984)
6	09/27/2007	(595487)

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

Date: 04/22/2004 (269593)

Self Report? NO Classification: Minor

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

Description: Failure to provide sanitary control easements for the wells.

Self Report? NO Classification: Minor

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

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
5A THC Chapter 341, SubChapter A 341.033(a)

Description: Failure to have a certified Class "D" or higher licensed operator for a groundwater system serving no more than 250 connections.

Self Report? NO Classification: Moderate

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

Description: Failure to obtain Customer Service Agreements and Customer Service Inspections prior to providing water service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

Description: Failure to maintain a minimum of 0.2 mg/l free chlorine residual throughout the distribution.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to produce documentation of the annual tank inspections for each of the system's ground, elevated, and pressure tanks by water system personnel or a contracted inspection service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to have the water system's operating records available for review during inspections.

Date: 07/13/2005 (399161)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

Description: Failure to maintain a minimum of 0.2 mg/L of free chlorine residual throughout the distribution system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(1)

Description: Failure to notify the executive director about the proposed changes in the existing distribution system when the change was greater than 10% of the existing distribution capacity.

Date: 02/22/2006 (455102)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failure to provide sanitary control easements for the wells.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
 Description: Failure to obtain Customer Service Agreements and Customer Service Inspections prior to providing water service.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
 Description: Failure to produce documentation of the annual tank inspections for each of the system's ground, elevated, and pressure tanks by water system personnel or a contracted inspection service.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 Description: Failure to submit a Quarterly Distribution Report for Public Water Systems each quarter.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Failure to provide a storage capacity of 200 gallons per connection.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Failure to provide a service pump capacity of 2.0 gallons per minute per connection.
 Self Report? NO Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101
 Rqmt Prov: ORDER Ordering Provisions 2.a. through 2.d.
 Description: Failure to comply with the Ordering Provisions of Commission Order 2004-1928-PWS-E.
 Date: 08/10/2007 (566984)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 Description: Failure to maintain a minimum of 0.2 mg/L of free chlorine residual throughout the distribution system.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failure to provide Sanitary Easements for the wells.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
 Description: Failure to provide the minimum total storage capacity for the distribution.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
 Description: Failure to provide the minimum pumping capacity for the distribution.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(1)
 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 Description: Failure to maintain records or make records available for review upon request as required.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
 Description: Failure to verify accuracy of the manual disinfectant residual analyzer.

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
LAKE RIDGE WATER SYSTEM L.P. DBA	§	
LAKE RIDGE PROPERTIES, INC.	§	
RN101266948	§	ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2007-1944-PWS-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lake Ridge Water System L.P. dba Lake Ridge Properties, 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 presented this agreement to the Commission.

The Respondent 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at the intersection of Lenawee and Kenwood in Del Rio, Val Verde County, Texas (the "Facility") that has approximately 52 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation on October 3, 2007, TCEQ staff documented that the Respondent did not:
 - a. Provide a boil water notice to the customers of the water system within 24 hours following a drop in the distribution pressure below 20 pounds per square inch ("psi") on October 1, 2007; and
 - b. Maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, on October 3, 2007 the free chlorine residual was 0.12 mg/L at Lenawee Street, Del Rio, Texas.
3. The Respondent received notice of the violations on or about November 19, 2007.
4. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Provided documentation showing that a boil water notice had been issued to the customers of the water system on October 3, 2007; and
 - b. On October 6, 2007, provided documentation showing that maintenance had been performed to increase the free chlorine residual level to a minimum of 0.2 mg/L throughout the distribution system.

II. CONCLUSIONS OF LAW

1. The Respondent 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 Findings of Fact No. 2.a., the Respondent failed to provide a boil water notice to the customers of the water system within 24 hours following a drop in the distribution pressure below 20 psi, in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1).
3. As evidenced by Findings of Fact No. 2.b, the Respondent failed to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent 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 Three Hundred Seventy-Four Dollars (\$374) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Three Hundred Seventy-Four Dollar (\$374) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Three Hundred Seventy-Four Dollars (\$374) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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: Lake Ridge Water System LP dba Lake Ridge Properties, Inc., Docket No. 2007-1944-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 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.
3. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Lake Ridge Water System LP dba Lake Ridge Properties, Inc.
DOCKET NO. 2007-1944-PWS-E

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szolter
For the Executive Director

8/6/2009
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Lake Ridge Water System LP dba Lake Ridge Properties, Inc. I am authorized to agree to the attached Agreed Order on behalf of Lake Ridge Water System LP dba Lake Ridge Properties, 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 understand that by entering into this Agreed Order, Lake Ridge Water System LP dba Lake Ridge Properties, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

A. Leon Thompson, Jr.
Signature

6/15/09
Date

A. LEON THOMPSON, JR.
Name (Printed or typed)
Authorized Representative of
Lake Ridge Water System, L.P. dba Lake Ridge Properties, Inc.

STLFT, LLC - GENERAL PARTNER
PRESIDENT
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.

