

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 42016**  
**Presidio County Water Improvement District #1 dba Redford Water Supply**  
**RN101266054**  
**Docket No. 2011-1127-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violations.

**Media:**

PWS

**Small Business:**

N/A

**Location(s) Where Violation(s) Occurred:**

Highway 170, 16 miles east of Presidio, Presidio County

**Type of Operation:**

public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: None

Other: None

Interested Third-Parties: None

**Texas Register Publication Date:** April 27, 2012

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$2,037

**Total Paid to General Revenue:** \$2,037

**Total Due to General Revenue:** \$0

**SEP Conditional Offset:** N/A

**Compliance History Classifications:**

Person/CN – N/A

Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2002

**Investigation Information**

**Complaint Date(s):** N/A

**Date(s) of Investigation:** June 27, 2011

**Date(s) of NOV(s):** See Compliance History – Six related NOVs

**Date(s) of NOE(s):** July 1, 2011

**Violation Information**

1. Failed to submit Disinfectant Level Quarterly Operating Reports (DLQORs) to the Executive Director each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to mail or directly deliver one copy of the Consumer Confidence Report (CCR) to each bill paying customer by July 1 of each year and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b), and 290.274(a) and (c)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2010 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers; and
  - b. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs.
2. Within 45 days, submit to the Commission a copy of the CCR provided to customers of the Facility pursuant to Ordering Provision No. 2.a.i., and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
3. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter.
4. Submit written certification to demonstrate compliance:
  - a. Technical Requirement No. 1 within 45 days; and
  - b. Technical Requirement No. 3 within 195 days.

**Litigation Information**

**Date Petition(s) Filed:** December 7, 2011  
**Date Answer(s) Filed:** December 24, 2011; December 27, 2011  
**SOAH Referral Date:** January 1, 2012  
**Hearing Date(s):**  
Preliminary hearing: March 8, 2012  
Evidentiary hearing: N/A  
**Settlement Date:** March 20, 2012

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 42016  
Presidio County Water Improvement District #1 dba Redford Water Supply  
RN101266054  
Docket No. 2011-1127-PWS-E

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**Contact Information**

**TCEQ Attorneys:** Jennifer Cook, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Eli Martinez, Public Interest Counsel, (512) 239-6363

**TCEQ SEP Coordinator:** N/A

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, (361) 825-3425

**TCEQ Regional Contact:** Kent Waggoner, El Paso Regional Office, 915-834-4949

**Respondent:** Hector Morales, Director, Presidio County Water Improvement District #1, P.O. Box 136, Redford, Texas 79846

**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	5-Jul-2011	<b>Screening</b>	6-Jul-2011	<b>EPA Due</b>	30-Jun-2010
	<b>PCW</b>	1-Mar-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Presidio County Water Improvement District #1 aka Redford Water Supply
<b>Reg. Ent. Ref. No.</b>	RN101266054
<b>Facility/Site Region</b>	6-El Paso
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	42016	<b>No. of Violations</b>	2
<b>Docket No.</b>	2011-1127-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,100
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	36.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$396
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<b>Notes</b>	Enhancement for six NOV's with same/similar violations and three NOV's with dissimilar violations
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$547	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$607	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,496
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	36.2%	<b>Adjustment</b>	\$541
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement recommended for the recovery of avoided costs for Violation Nos. 1 and 2.
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<b>Final Penalty Amount</b>	\$2,037
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,037
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$2,037
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**Screening Date** 6-Jul-2011

**Docket No.** 2011-1127-PWS-E

**PCW**

**Respondent** Presidio County Water Improvement District #1 a

*Policy Revision 2 (September 2002)*

**Case ID No.** 42016

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN101266054

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	6	30%
	Other written NOVs	3	6%
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)** 36%

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

N/A

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

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

N/A

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

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for six NOVs with same/similar violations and three NOVs with dissimilar violations

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 36%

Screening Date 6-Jul-2011

Docket No. 2011-1127-PWS-E

PCW

Respondent Presidio County Water Improvement District #1 aka Redford W

Policy Revision 2 (September 2002)

Case ID No. 42016

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101266054

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of each quarter. Specifically, the Facility failed to submit DLQORs from the third quarter of 2009 through the first quarter of 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 7 635 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$700

Seven quarterly events are recommended.

Good Faith Efforts to Comply

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.

Violation Subtotal \$700

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$183

Violation Final Penalty Total \$1,296

This violation Final Assessed Penalty (adjusted for limits) \$1,296

## Economic Benefit Worksheet

**Respondent** Presidio County Water Improvement District #1 aka Redford Water Supply  
**Case ID No.** 42016  
**Req. Ent. Reference No.** RN101266054  
**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
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	\$45	27-Jun-2011	1-May-2012	0.85	\$2	n/a	\$2
Training/Sampling	\$100	27-Jun-2011	1-May-2012	0.85	\$4	n/a	\$4
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 cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date 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)	\$158	10-Oct-2009	10-Apr-2011	2.42	\$19	\$158	\$177

Notes for AVOIDED costs

The avoided costs include the estimated amount to prepare and submit the missing DLQORs. The date required is the day the report was due for the third quarter of 2009 and the final date is the day the report was due for the first quarter of 2011.

Approx. Cost of Compliance

\$303

**TOTAL**

\$183

Screening Date 6-Jul-2011

Docket No. 2011-1127-PWS-E

PCW

Respondent Presidio County Water Improvement District #1 aka Redford Wa

Policy Revision 2 (September 2002)

Case ID No. 42016

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101266054

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCRs to the Facility's customers nor did the Respondent submit the CCR or the required certification to the Executive Director for the years 2006 through 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4 Number of violation days 1460

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$400

Four annual events are recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary	
Ordinary	
N/A	x (mark with x)

Notes

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

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$364

Violation Final Penalty Total \$741

This violation Final Assessed Penalty (adjusted for limits) \$741

## Economic Benefit Worksheet

**Respondent** Presidio County Water Improvement District #1 aka Redford Water Supply  
**Case ID No.** 42016  
**Req. Ent. Reference No.** RN101266054  
**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
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]	\$304	1-Jul-2007	1-Jul-2010	3.92	\$60	\$304	\$364
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to produce copies of the CCR and mail or directly deliver the reports to customers of the water supply, calculated for the years in which no reports were distributed.

Approx. Cost of Compliance \$304

**TOTAL** \$364

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN601226012 Presidio County Water Improvement District #1	Classification:	Rating:
Regulated Entity:	RN101266054 REDFORD WATER SUPPLY	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1890012
Location:	HWY 170 16 MI E OF PRESIDIO		
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	March 01, 2012		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 01, 2007 to March 01, 2012		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:			
Name:	Epi Villarreal	Phone:	361-825-3425

## 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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: N/A Repeat Violator: N/A

### Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, 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 08/09/2007 (638707)	5 10/07/2009 (778347)	9 12/22/2010 (935901)
2 11/12/2007 (639351)	6 06/16/2011 (935783)	10 01/14/2009 (935916)
3 04/01/2008 (639966)	7 06/16/2011 (935872)	11 03/31/2008 (935922)
4 07/22/2009 (759989)	8 07/01/2010 (935899)	12 06/29/2011 (936087)

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

<b>Date:</b>	<b>08/09/2007 (638707)</b>	<b>CN601226012</b>	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C) 5A THSC Chapter 341, SubChapter A 341.0315(c)		
Description:	Violated the maximum contaminant level for arsenic during the second quarter of 2007.		
<b>Date:</b>	<b>11/12/2007 (639351)</b>	<b>CN601226012</b>	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C) 5A THSC Chapter 341, SubChapter A 341.0315(c)		
Description:	Violated the maximum contaminant level for arsenic during the third quarter of 2007.		
<b>Date:</b>	<b>03/31/2008 (935922)</b>	<b>CN601226012</b>	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a)		
Description:	This system did not deliver the annual Consumer Confidence Report (CCR) for 2006 to its bill-paying customers.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter H 290.274(c)		
Description:	This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2006 CCR year to the TCEQ.		
<b>Date:</b>	<b>01/14/2009 (935916)</b>	<b>CN601226012</b>	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a)		
Description:	This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its bill-paying customers.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter H 290.274(c)		
Description:	This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2007 CCR year to the TCEQ.		

**Date:** 07/24/2009 (759989) CN601226012  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)  
 Description: Failure to provide the well sites and the site with the elevated ground storage tank with an intruder-resistant fence. Specifically, the three strands of barbed wire do not extend outward at a 45 degree angle around the entire fence at well site #1, well site #2, and the site with the elevated ground storage tank.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)  
 Description: Failure to provide the elevated ground storage tank with an adequate liquid level indicator. The liquid level indicator provided for the elevated ground storage tank is broken.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)  
 Description: Failure to post a legible sign at each of its treatment, production, and storage facilities. Specifically, the sign at well site #2 does not have a sign posted at the site. In addition, the signs at well site #1 and the site with the elevated ground storage tank are illegible.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
 Description: Failure to make operating records accessible for review during the inspection. During the investigation Mr. Hernandez informed the investigator that all records have been lost except bacteriological sampling records and chlorine residual readings.

**Date:** 12/22/2010 (935901) CN601226012  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
 30 TAC Chapter 290, SubChapter H 290.274(a)  
 Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2009 to its bill-paying customers.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)  
 Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2009 CCR year to the TCEQ.

**Date:** 06/16/2011 (935783) CN601226012  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

**Date:** 06/16/2011 (935899) CN601226012  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

**Date:** 06/16/2011 (935872) CN601226012  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

- 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  
PRESIDIO COUNTY WATER  
IMPROVEMENT DISTRICT #1 DBA  
REDFORD WATER SUPPLY;  
RN101266054**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2011-1127-PWS-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Presidio County Water Improvement District #1 dba Redford Water Supply ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

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, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Respondent.

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

### **FINDINGS OF FACT**

1. Respondent owns and operates a public water system located on Highway 170, 16 miles east of Presidio in Presidio County, Texas (the "Facility"). The Facility provides water for human consumption, has 52 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on June 27, 2011, a TCEQ Central Office investigator documented that Respondent:
  - a. Failed to submit Disinfectant Level Quarterly Operating Reports (DLQORs) to the Executive Director each quarter by the tenth day of the month following the end of each quarter. Specifically, Respondent failed to timely submit DLQORs for the third quarter of 2009 through the first quarter of 2011; and

- b. Failed to mail or directly deliver one copy of the Consumer Confidence Report (CCR) to each bill paying customer by July 1 of each year and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, Respondent did not mail or directly deliver the CCRs to the Facility's customers nor submit the CCR and required certification to the Executive Director for the years 2006 through 2009.
3. Respondent received notice of the violations on or about July 6, 2011.

### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, 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 Finding of Fact No. 2.a., Respondent failed to submit DLQORs to the Executive Director each quarter by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE § 290.271(b), and 290.274(a) and (c).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes 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 two thousand thirty-seven dollars (\$2,037.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049. Respondent paid two thousand thirty-seven dollars (\$2,037.00) of the administrative penalty.

### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 5, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.

2. Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
    - i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2010 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE § 290.274; and
    - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.
  - b. Within 45 days after the effective date of this Agreed Order, Respondent shall:
    - i. Submit written certification, in accordance with Ordering Provision No. 2.e., below, to demonstrate compliance with Ordering Provision No. 2.a.; and
    - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility pursuant to Ordering Provision No. 2.a.i. and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section  
Water Supply Division, MC155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - c. Within 90 days after the effective date of this Agreed Order, Respondent shall begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - d. Within 195 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.e., below, to demonstrate compliance with Ordering Provision No. 2.c.
  - e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Elston Johnson, Public Drinking Water Section  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director.
6. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail.

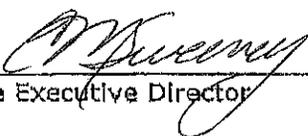
Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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

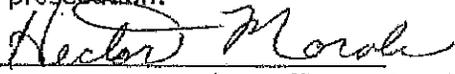
June 22 2012  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Presidio County Water Improvement District #1 dba Redford Water Supply, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

  
Signature - Hector Morales, Officer - Sec./Treas.  
Presidio County Water Improvement District #1

3-20-2012  
Date