

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 37830
MIRANDO CITY WATER SUPPLY CORPORATION
RN101195360
Docket No. 2013-2111-PWS-E

Order Type:

Default Order

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Linder Avenue, Mirando City, Webb County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: \$516 (Account No. 92400025)
Other: None
Interested Third-Parties: None

Texas Register Publication Date: November 21, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$8,450

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$8,450

Compliance History Classifications:

Person/CN –Satisfactory
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: \$35 enhancement

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: May 7, 2013; November 14, 2013; May 2, 2014

Date(s) of NOV(s): July 10, 2013

Date(s) of NOE(s): March 20, 2014

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 37830
MIRANDO CITY WATER SUPPLY CORPORATION
RN101195360
Docket No. 2013-2111-PWS-E

Violation Information

1. Failed to provide a well capacity of 0.6 gallons per minute (“gpm”) per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i); and TCEQ Agreed Order Docket No. 2011-0318-PWS-E, Ordering Provision No. 2.c.i.].
2. Failed to provide an elevated storage capacity of 100 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv); and TCEQ Agreed Order Docket No. 2011-0318-PWS-E, Ordering Provision No. 2.c.ii.].
3. Failed to provide production capacity that meets or exceeds the Facility’s maximum daily demand [TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.42(a)(1); and TCEQ Agreed Order Docket No. 2011-0318-PWS-E, Ordering Provision No. 2.c.iii.].
4. Failed to maintain water works operation and maintenance records and make them available for review by Commission personnel during the investigation [30 TEX. ADMIN. CODE §§ 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(II), (f)(3)(B)(iii), and (f)(3)(E)(i)].
5. Failed to conduct an annual inspection of the Facility’s elevated storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
6. Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can easily be located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
7. Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 92400025 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including records of disinfection residual monitoring results from the distribution system and the amount of chemicals used each day;
 - b. Conduct an annual inspection of the Facility’s elevated storage tank; and
 - c. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92400025.
2. Within 60 days provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.
3. Within 180 days:
 - a. Provide a well capacity of 0.6 gpm per connection;
 - b. Provide an elevated storage capacity of 100 gallons per connection; and
 - c. Provide a production capacity that meets or exceeds the Facility’s maximum daily demand.
4. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirements Nos. 1.a. through 1.c.;
 - b. Within 75 days for Technical Requirement No. 2.; and
 - c. Within 195 days for Technical Requirements Nos. 3.a. through 3.c.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 37830
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RN101195360
Docket No. 2013-2111-PWS-E

Litigation Information

Date Petition(s) Filed: September 2, 2014
Date Green Card(s) Signed: September 18, 2014
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Colleen Lenahan, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, (210) 403-4077
TCEQ Regional Contact: Arnaldo Lanese, Laredo Regional Office, (956) 791-6611
Respondent Contact: Salvador Johnson, President, MIRANDO CITY WATER SUPPLY CORPORATION, P.O. Box 57, Mirando City, Texas 78369-0057
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	24-Mar-2014		
	PCW	2-May-2014	Screening	26-Mar-2014
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	MIRANDO CITY WATER SUPPLY CORPORATION
Reg. Ent. Ref. No.	RN101195360
Facility/Site Region	16-Laredo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37830	No. of Violations	7
Docket No.	2013-2111-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,610
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	50.0% Enhancement Subtotals 2, 3, & 7	\$2,805

Notes: Enhancement for one NOV with the same/similar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$123,361
 Approx. Cost of Compliance: \$512,656
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,415
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$8,415
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,450
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$8,450
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Screening Date 26-Mar-2014

Docket No. 2013-2111-PWS-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 37830

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195360

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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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) 50%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 50%

Screening Date 26-Mar-2014

Docket No. 2013-2111-PWS-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 37830

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i), Texas Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2011-0318-PWS-E, Ordering Provision No. 2.c.i.

Violation Description Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility has 250 connections which require 150 gpm of well capacity. However, only 80 gpm was provided, which is a 47% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Failure to provide an adequate well capacity could result in water outages and backflow problems potentially exposing customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 10 891 Number of violation days

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

Violation Base Penalty \$500

Ten quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-0318-PWS-E, October 17, 2011, to the date of screening, March 26, 2014.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$60,171

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent MIRANDO CITY WATER SUPPLY CORPORATION
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
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)	\$250,000	17-Oct-2011	25-Mar-2015	3.44	\$2,865	\$57,306	\$60,171
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 estimated amount necessary to provide a well production capacity of 0.6 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-0318-PWS E 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 \$250,000

TOTAL \$60,171

Screening Date 26-Mar-2014

Docket No. 2013-2111-PWS-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 37830

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(C)(iv), Texas Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2011-0318-PWS-E, Ordering Provision No. 2.c.ii.

Violation Description

Failed to provide an elevated storage capacity of 100 gallons per connection. Specifically, at the time of the investigation, it was documented that the Facility has 250 connections which require 25,000 gallons of elevated storage capacity. However, only 19,300 gallons were provided, which is a 23% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to meet an elevated storage capacity of 100 gallons per connection could result in low pressure, water outages and potentially expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 10

891 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$500

Ten quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-0318-PWS-E, October 17, 2011, to the date of screening, March 26, 2014.

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,950

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent MIRANDO CITY WATER SUPPLY CORPORATION
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
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)	\$12,255	17-Oct-2011	25-Mar-2015	3.44	\$140	\$2,809	\$2,950
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 estimated amount to provide an elevated storage capacity of 100 gallons per connection (\$2.15 per gallon deficient x 5,700), calculated from the effective date of TCEQ Agreed Order Docket No. 2011-0318-PWS-E 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	\$12,255	TOTAL	\$2,950
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Screening Date 26-Mar-2014

Docket No. 2013-2111-PWS-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 37830

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.42(a)(1), Texas Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2011-0318-PWS-E, Ordering Provision No. 2.c.iii.

Violation Description

Failed to provide production capacity that meets or exceeds the Facility's maximum daily demand. Specifically, at the time of the investigation, it was documented that the Facility's maximum daily demand is 0.230 million gallons per day ("MGD"). However, the Facility's production capacity is 0.115 MGD, which is a 50% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide a production capacity that meets the Facility's maximum daily demand could result in service outages exposing customers of the Facility to contaminants which would exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 30

891 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$4,500

Thirty monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-0318-PWS-E, October 17, 2011, to the date of screening, March 26, 2014.

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 \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$60,171

Violation Final Penalty Total \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

Economic Benefit Worksheet

Respondent MIRANDO CITY WATER SUPPLY CORPORATION
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$250,000	17-Oct-2011	25-Mar-2015	3.44	\$2,865	\$57,306	\$60,171
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 estimated amount to provide a production capacity that meets or exceeds the Facility's maximum daily demand, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-0318-PWS-E 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
 (Empty box for notes)

Approx. Cost of Compliance

TOTAL

Screening Date 26-Mar-2014

Docket No. 2013-2111-PWS-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 37830

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(II), (f)(3)(B)(iii) and (f)(3)(E)(i)

Violation Description

Failed to maintain water works operation and maintenance records and make them available for review to Commission personnel during the investigation. Specifically, at the time of the investigation, it was documented that records of the disinfection residual monitoring results from the distribution system, the amount of chemicals used each day, the amount of water treated each day, and copies of Monthly Operating Reports were not maintained and available for review.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

132 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$10

One single event is 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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$15

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent MIRANDO CITY WATER SUPPLY CORPORATION
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$90	14-Nov-2013	22-Oct-2014	0.94	\$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)	\$90	14-Nov-2013	13-Mar-2014	0.33	\$1	n/a	\$1

Notes for DELAYED costs

The delayed costs include the estimated amount to compile and begin maintaining records of the disinfection residual monitoring results from the distribution system and the amount of chemicals used each day (\$45 per record), calculated from the date of the investigation to the estimated date of compliance. The other delayed costs include the estimated amount to compile and begin maintaining records of the amount of water treated each day and copies of Monthly Operating Reports (\$45 per record), calculated from the date of the investigation to the date of the records were being properly maintained.

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

\$180

TOTAL

\$6

Screening Date 26-Mar-2014

Docket No. 2013-2111-PWS-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 37830

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description

Failed to conduct an annual inspection of the Facility's elevated storage tank. Specifically, at the time of the investigation, it was documented that the elevated storage tank had not been inspected in the 12 months prior to the investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to inspect the Facility's elevated storage tank on an annual basis could cause non-detection of defects and could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$50

One annual event is 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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$75

This violation Final Assessed Penalty (adjusted for limits) \$75

Economic Benefit Worksheet

Respondent MIRANDO CITY WATER SUPPLY CORPORATION
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
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
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]	\$41	14-Nov-2012	14-Nov-2013	1.92	\$4	\$41	\$45
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to conduct annual elevated tank inspections (\$41 per tank), calculated for the 12 month period prior to the investigation date.

Approx. Cost of Compliance \$41

TOTAL \$45

Screening Date 26-Mar-2014

Docket No. 2013-2111-PWS-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 37830

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(2)

Violation Description

Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

132 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is 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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$75

This violation Final Assessed Penalty (adjusted for limits) \$75

Economic Benefit Worksheet

Respondent MIRANDO CITY WATER SUPPLY CORPORATION
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 6

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	\$180	14-Nov-2013	21-Nov-2015	2.02	\$18	n/a	\$18
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 estimated amount to develop and maintain an accurate and up-to-date map of the distribution system, calculated from the investigation 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$180

TOTAL \$18

Screening Date 26-Mar-2014

Docket No. 2013-2111-PWS-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 37830

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702

Violation Description

Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 92400025 for Fiscal Year 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

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 \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent MIRANDO CITY WATER SUPPLY CORPORATION
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 7

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

N/A

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

N/A

Approx. Cost of Compliance \$0

TOTAL \$0



Compliance History Report

PUBLISHED Compliance History Report for CN600641005, RN101195360, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600641005, MIRANDO CITY WATER SUPPLY CORPORATION	Classification: SATISFACTORY	Rating: 16.75
Regulated Entity:	RN101195360, MIRANDO CITY WSC	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	ON LINDER AVENUE, MIRANDO CITY, WEBB COUNTY, TX		
TCEQ Region:	REGION 16 - LAREDO		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2400025		

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: March 26, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 26, 2009 to March 26, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 02/22/2010 ADMINORDER 2009-0952-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to provide an elevated storage capacity of 100 gallons per connection, as documented during an investigation conducted on May 1, 2009.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
Description: Failed to provide Facility records to Commission personnel at the time of the investigation, as documented during an investigation conducted on May 1, 2009.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
Description: Failed to flush dead-end mains at monthly intervals, as documented during an investigation conducted on May 1, 2009.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

Description: Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") at all points within the distribution network at flow rates of at least 1.5 gallons per minute ("gpm") per connection and a minimum pressure of 20 psi during emergencies such as fire fighting, as documented during an investigation conducted on May 1, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to operate the disinfection equipment to maintain the residual disinfectant concentration in the water at least 0.2 milligrams per liter ("mg/L") free chlorine, as documented during an investigation conducted on May 1, 2009.

Classification: Moderate

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

Description: Failed to obtain approval from the Executive Director prior to using a well as a public water supply source, as documented during an investigation conducted on May 1, 2009.

Classification: Major

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

Description: Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection, as documented during an investigation conducted on May 1, 2009.

Classification: Minor

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

Description: Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, as documented during an investigation conducted on May 1, 2009.

2 Effective Date: 10/17/2011 ADMINORDER 2011-0318-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failure to provide a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration (OSHA) standards for construction and operation.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

Description: Failure to provide high level and floor level screened vents for all enclosures in which gas chlorine is being stored or fed.

Classification: Moderate

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

Rqmt Prov: Provision 2di ORDER

Description: Failure to provide a well capacity of 0.6 gpm per connection.

Classification: Minor

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

Rqmt Prov: Provision 2dii ORDER

Description: Failure to provide an elevated storage capacity of 100 gallons per connection.

Classification: Major

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

Description: Failure to employ an operator with a Class "D" or higher license.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to annually inspect the storage tank to determine that instrumentation and controls are working properly.

Classification: Minor

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

Description: Failure to maintain copies of well completion data on file as long as the well remains in service.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations.

Classification: Moderate

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

Description: Failure to complete a Disinfection Level Quarterly Operating Report (DLQOR) each quarter.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to completely develop the chemical and microbiological monitoring plan.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a total treatment system capacity greater than the anticipated maximum daily demand.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	07/10/2013	(1101247)	CN600641005		
	Self Report?	NO		Classification:	Moderate	
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv) 30 TAC Chapter 290, SubChapter D 290.46(l)				
	Description:	Failure to maintain monthly flushing records.				
	Self Report?	NO		Classification:	Moderate	
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)				
	Description:	Failure to retain copies of the microbiological analyses.				
	Self Report?	NO		Classification:	Moderate	
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)				
	Description:	Failure to maintain complaint records and to provide a complaint log.				
	Self Report?	NO		Classification:	Moderate	
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)				
	Description:	Failure to maintain a minimum chlorine residual of at least 0.2 mg/l throughout the distribution.				
	Self Report?	NO		Classification:	Major	
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)				
	Description:	Failure to record disinfectant residual monitoring results from the distribution system.				
	Self Report?	NO		Classification:	Major	
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(I)				
	Description:	Failure record the amount of chemicals used on a weekly basis.				
	Self Report?	NO		Classification:	Major	
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)				
	Description:	Failure to maintain records of the amount of water treated each week.				
	Self Report?	NO		Classification:	Major	
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)				
	Description:	Failure to maintain copies of the Monthly Operating Reports.				

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MIRANDO CITY WATER
SUPPLY CORPORATION;
RN101195360**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2013-2111-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is MIRANDO CITY WATER SUPPLY CORPORATION ("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 Linder Avenue in Mirando City, Webb County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 250 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 an investigation conducted on February 4, 2014, a TCEQ Laredo Regional Office investigator documented that Respondent:
 - a. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility has 250 connections which requires 150 gpm of well capacity and only 80 gpm is provided, which is a 47% deficiency;
 - b. Failed to provide an elevated storage capacity of 100 gallons per connection. Specifically, the Facility has 250 connection which require 25,000 gallons of elevated storage capacity and only 19,300 are provided, which is a 23% deficiency; and
 - c. Failed to provide production capacity that meets or exceeds the Facility's maximum daily demand. Specifically, the Facility's maximum daily demand is 0.230 million gallons per day ("MGD") and the Facility's production capacity is 0.115 MGD, which is a 50% deficiency.
3. During investigations conducted on May 7, 2013, and November 14, 2013, a TCEQ Laredo Regional Office investigator documented that Respondent failed to maintain water works operation and maintenance records and make them available for review by Commission personnel during the investigation. Specifically, records of the disinfection residual monitoring results from the distributions system, the amount of chemicals used each day, the amount of water treated each day, and copies of Monthly Operating Reports were not maintained and available for review.
4. During an investigation conducted on November 14, 2013, a TCEQ Laredo Regional Office investigator documented that Respondent:

- a. Failed to conduct an annual inspection of the Facility's elevated storage tank in the 12 months prior to the investigation; and
 - b. Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can easily be located during emergencies.
5. During a record review on May 2, 2014, TCEQ staff documented that Respondent failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 92400025 for Fiscal Year 2014.
 6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of MIRANDO CITY WATER SUPPLY CORPORATION" (the "EDPRP") in the TCEQ Chief Clerk's office on September 2, 2014.
 7. By letter dated September 2, 2014, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on September 18, 2014, as evidenced by the signature on the card.
 8. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide a well capacity of 0.6 gpm per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i); and TCEQ Agreed Order Docket No. 2011-0318-PWS-E, Ordering Provision No. 2.c.i.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide an elevated storage capacity of 100 gallons per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv); and TCEQ Agreed Order Docket No. 2011-0318-PWS-E, Ordering Provision No. 2.c.ii.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide production capacity that meets or exceeds the Facility's maximum daily demand, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.42(a)(1); and TCEQ Agreed Order Docket No. 2011-0318-PWS-E, Ordering Provision No. 2.c.iii.
5. As evidenced by Finding of Fact No. 3, Respondent failed to maintain water works operation and maintenance records and make them available for review by Commission personnel during the investigation, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(II), (f)(3)(B)(iii), and (f)(3)(E)(i).
6. As evidenced by Finding of Fact No. 4.a., Respondent failed to conduct an annual inspection of the Facility's elevated storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
7. As evidenced by Finding of Fact No. 4.b., Respondent failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can easily be located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).

8. As evidenced by Finding of Fact No. 5, Respondent failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 92400025, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
9. As evidenced by Findings of Fact Nos. 6 and 7, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
10. As evidenced by Finding of Fact No. 8, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
11. 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 TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of eight thousand four hundred fifty dollars (\$8,450.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
13. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of eight thousand four hundred fifty dollars (\$8,450.00) 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 Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: MIRANDO CITY WATER SUPPLY CORPORATION; Docket No. 2013-2111-PWS-E" to:

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

3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Respondent shall:
 - i. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including records of disinfection residual monitoring results from the distribution system and the amount of chemicals used each day, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 5);
 - ii. Conduct an annual inspection of the Facility's elevated storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 6); and
 - iii. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92400025 (Conclusion of Law No. 8). The payment shall be sent with the notation "MIRANDO CITY WATER SUPPLY CORPORATION Financial Administration Account No. 92400025" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
 - b. Within 45 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.iii.
 - c. Within 60 days after the effective date of this Order, Respondent shall provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 7).
 - d. Within 75 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provision No. 3.c.
 - e. Within 180 days after the effective date of this Order, Respondent shall:
 - i. Provide a well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 2);
 - ii. Provide an elevated storage capacity of 100 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 3); and
 - iii. Provide a production capacity that meets or exceeds the Facility's maximum daily demand, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 4).
 - f. Within 195 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provisions Nos. 3.e.i. through 3.e.iii.

- g. 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:

Section Manager, Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed in Ordering Provision No. 3.g.
7. 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 Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JACQUELYN BOUTWELL

STATE OF TEXAS

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COUNTY OF TRAVIS

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of MIRANDO CITY WATER SUPPLY CORPORATION" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on September 2, 2014.

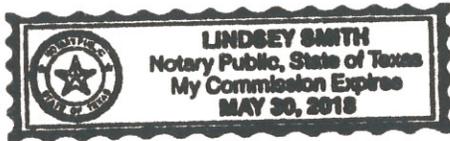
The EDPRP was mailed to Respondent's last known address on September 2, 2014, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on September 18, 2014, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

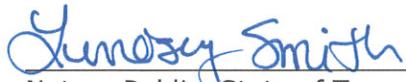

Jacquelyn Boutwell, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Subscribed and sworn to before me on this 28th day of October, A.D. 2014.



Notary without Bond


Notary Public, State of Texas