

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 48560
CANDELARIA WATER SUPPLY CORPORATION
RN101185312
Docket No. 2014-0541-PWS-E

Order Type:

Default Order (SOAH preliminary hearing)

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

58 miles north of Presidio on Farm-to-Market Road 170 near Marfa, Presidio County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: \$233.09 (2013-1013-MLM-E; referred for collection);
\$1,847.36 (2013-1741-PWS-E; referred for collection)
Past-Due Fees: \$240.52 (Account No. 91890011; referred for collection)
Other: None
Interested Third-Parties: None

Texas Register Publication Date: December 19, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$979

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$979

Compliance History Classifications:

Person/CN –N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: March 24 - April 4, 2014

Date(s) of NOV(s): June 4, 2013; November 22, 2013; February 26, 2014; March 17, 2014

Date(s) of NOE(s): April 4, 2014

Violation Information

1. Failed to provide the results of quarterly arsenic sampling and failed to provide public notification regarding the failure to provide arsenic monitoring results [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.122(c)(2)(A)].
2. Failed to provide public notification regarding the failure to submit a Disinfectant Level Quarterly Operating Report (“DLQOR”) [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].
3. Failed to provide the results of annual fluoride and nitrate sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].
4. Failed to provide the results of triennial cyanide, mineral, metal, and synthetic organic chemical (“SOC”) (method 504) contaminant sampling to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established (Violation Nos. 1, 3, and 4);
 - b. Implement improvements to the Facility’s process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility’s laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later (Violation Nos. 1, 3, and 4); and
 - c. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including providing public notification regarding the failure to submit a DLQOR and the failure to provide arsenic sampling results (Violation Nos. 1 and 2).
2. Within 45 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: July 10, 2014
Date Green Card(s) Signed: July 14, 2014
Date Answer(s) Filed: August 1, 2014
SOAH Referral Date: September 3, 2014
Hearing Date(s):
Preliminary hearing: October 9, 2014 (defaulted)

Contact Information

TCEQ Attorneys: Laura Evans, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Isabel Segarra Treviño, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division, (512) 239-2576
TCEQ Regional Contact: Kent Waggoner, El Paso Regional Office, (915) 834-4949
Respondent Contact: Abel Tellez, President, CANDELARIA WATER SUPPLY CORPORATION, HC 63 Box 29, Marfa, Texas 79843-9608
Respondent’s Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	7-Apr-2014	Screening	14-Apr-2014	EPA Due	31-Mar-2014
	PCW	15-Apr-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	CANDELARIA WATER SUPPLY CORPORATION
Reg. Ent. Ref. No.	RN101185312
Facility/Site Region	6-El Paso
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	48560	No. of Violations	4
Docket No.	2014-0541-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Abigail Lindsey
		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	\$550
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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	78.0% Enhancement	Subtotals 2, 3, & 7
		\$429

Notes: Enhancement for four NOVs with the same/similar violations, four NOVs with dissimilar violations, one agreed order without a denial of liability and one default order.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$133	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$792		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$979
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes

Final Penalty Amount \$979

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$979
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DEFERRAL	0.0% Reduction	Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction)			

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$979
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Screening Date 14-Apr-2014

Docket No. 2014-0541-PWS-E

PCW

Respondent CANDELARIA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 48560

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101185312

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

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>)	4	20%
	Other written NOVs	4	8%
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	2	50%
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 judgments 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) 78%

>> **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 four NOVs with the same/similar violations, four NOVs with dissimilar violations, one agreed order without a denial of liability and one default order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 78%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 78%

Screening Date 14-Apr-2014 **Docket No.** 2014-0541-PWS-E **PCW**
Respondent CANDELARIA WATER SUPPLY CORPORATION *Policy Revision 4 (April 2014)*
Case ID No. 48560 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101185312
Media [Statute] Public Water Supply
Enf. Coordinator Abigail Lindsey

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.106(e) and 290.122(c)(2)(A)

Violation Description

Failed to provide the results of quarterly arsenic sampling and failed to provide public notification regarding the failure to submit arsenic results. Specifically, the Respondent failed to provide arsenic monitoring results for the first through the fourth quarters of 2013 and did not provide public notification regarding the failure to submit arsenic results for the first and second quarters of 2013.

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 4 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Four single 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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$107

Violation Final Penalty Total \$356

This violation Final Assessed Penalty (adjusted for limits) \$356

Economic Benefit Worksheet

Respondent CANDELARIA WATER SUPPLY CORPORATION
Case ID No. 48560
Reg. Ent. Reference No. RN101185312
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				0.00	\$0	n/a	\$0
Training/Sampling	\$517	31-Mar-2013	1-Jan-2015	1.76	\$45	n/a	\$45
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$100	24-Mar-2014	1-Jan-2015	0.78	\$4	n/a	\$4
Other (as needed)	\$100	24-Mar-2014	1-Jan-2015	0.78	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to pay any outstanding lab fees (\$8.49 for nitrate, \$102.25 for minerals, \$75.67 for SOC contaminants for method 504, \$6.88 x 4 for arsenic, \$135.47 for cyanide, \$152.43 for metals and \$15.03 for fluoride) so that the lab will release all drinking water chemical analysis results. The date required is the last date of the first monitoring period for which results were not provided and the final date is the estimated date of compliance. The other delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure results are released by the Facility's laboratories and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance. The permit cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that public notice is posted and reported to the Executive Director, calculated from the date of the record review 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]	\$50	1-Apr-2013	30-Sep-2013	1.42	\$4	\$50	\$54
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notification (\$25 per notice x 2 missed notices) for the failure to provide arsenic results, calculated for the period in which public notifications were required.

Approx. Cost of Compliance \$767

TOTAL \$107

Screening Date 14-Apr-2014

Docket No. 2014-0541-PWS-E

PCW

Respondent CANDELARIA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 48560

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101185312

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A)

Violation Description

Failed to provide public notification regarding the failure to submit a Disinfectant Level Quarterly Operating Report for the second quarter of 2013.

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

92 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 \$26

Violation Final Penalty Total \$89

This violation Final Assessed Penalty (adjusted for limits) \$89

Economic Benefit Worksheet

Respondent CANDELARIA WATER SUPPLY CORPORATION
Case ID No. 48560
Reg. Ent. Reference No. RN101185312
Media Public Water Supply
Violation No. 2

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

Notes for DELAYED costs

The delayed cost of compliance for this Violation are associated with the Economic Benefit for Violation No. 1.

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]	\$25	11-Jul-2013	10-Oct-2013	1.17	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notification (\$25 per notice x 1 missed notice), calculated for the period in which public notification was required.

Approx. Cost of Compliance

\$25

TOTAL

\$26

Screening Date 14-Apr-2014

Docket No. 2014-0541-PWS-E

PCW

Respondent CANDELARIA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 48560

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101185312

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.106(e)

Violation Description

Failed to provide the results of annual fluoride and nitrate sampling to the Executive Director for the 2013 monitoring period.

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 2

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events 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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$178

This violation Final Assessed Penalty (adjusted for limits) \$178

Economic Benefit Worksheet

Respondent CANDELARIA WATER SUPPLY CORPORATION
Case ID No. 48560
Reg. Ent. Reference No. RN101185312
Media Public Water Supply
Violation No. 3

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

The delayed cost of compliance for this Violation are associated with the Economic Benefit for Violation No. 1.

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 \$0

TOTAL \$0

Screening Date 14-Apr-2014

Docket No. 2014-0541-PWS-E

PCW

Respondent CANDELARIA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 48560

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101185312

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 290.106(e) and 290.107(e)

Violation Description

Failed to provide the results of triennial cyanide, mineral, metal and synthetic organic chemical ("SOC") (method 504) contaminant sampling to the Executive Director. Specifically, the Respondent failed to provide cyanide, mineral, metal and SOC (method 504) contaminant monitoring results for the January 1, 2011 through December 31, 2013 monitoring period.

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 4

1095 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Four single 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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$356

This violation Final Assessed Penalty (adjusted for limits) \$356

Economic Benefit Worksheet

Respondent CANDELARIA WATER SUPPLY CORPORATION
Case ID No. 48560
Reg. Ent. Reference No. RN101185312
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				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 cost of compliance for this Violation are associated with the Economic Benefit for Violation No. 1.

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 \$0

TOTAL \$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN604543785, RN101185312, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600632392, CANDELARIA WATER SUPPLY CORPORATION **Classification:** N/A **Rating:** N/A

Regulated Entity: RN101185312, CANDELARIA WSC **Classification:** N/A **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 58 MILES NORTH OF PRESIDIO ON FARM-TO-MARKET ROAD 170 NEAR MARFA, PRESIDIO COUNTY, TEXAS

TCEQ Region: REGION 06 - EL PASO

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1890011

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

Date Compliance History Report Prepared: May 09, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 09, 2009 to May 09, 2014

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

Name: Abigail Lindsey

Phone: (512) 239-2576

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: 10/15/2010 ADMINORDER 2009-1210-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 04/2007 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR PN Routine Monitoring Violation 04/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

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

Description: Failure to maintain the required chlorine residual when disinfection equipment is available.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: TCR Repeat Monitoring Violation 08/2007 - Failure to collect any repeats following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Repeat Monitoring Violation 08/2007 - Failure to post public notice for not collecting any repeats following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 10/2007 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Routine Monitoring Violation 10/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 11/2007 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 11/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 12/2007 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 12/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 02/2008 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 02/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 03/2008 - Failure to collect all repeats following a coliform found result.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: TCR Increase Monitoring Violation 04/2008 - Failure to collect all 5 distribution samples following a coliform found month.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Increase Monitoring Violation 04/2008 - Failure to post public notice for not collecting all 5 distribution samples following a coliform found month.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 05/2008 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 05/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 06/2008 - Failure to collect any repeats following a coliform found result.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Repeat Monitoring Violation 06/2008 - Failure to post public notice for not collecting any repeats following a coliform found result.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: TCR Increase Monitoring Violation 10/2008 - Failure to collect all 5 distribution samples following a coliform found month.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Increase Monitoring Violation 10/2008 - Failure to post public notice for not collecting all 5 distribution samples following a coliform found month.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 11/2008 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 11/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN Routine Monitoring Violation 01/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
Description: Failure to issue a Boil Water Notice, within 24 hours, as required by 30 TAC 290.

2 Effective Date: 04/25/2014 ADMINORDER 2013-1013-MLM-E (Findings Order-Default)

- Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
Description: Failure to provide Facility records to Commission personnel at the time of the investigation. Specifically, the following records were not available for review: equipment capacities to include: well pumps, service/filter/transfer pumps, ground storage, elevated storage and height of tank overflow, and pressure tanks; the amount and type of chemicals used each week; flushing log; copies of public notices issued; copies of microbiological analysis sample results and annual tank inspections
- Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
5A THSC Chapter 341, SubChapter A 341.033(a)
Description: Failure to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license
- Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
Description: Failure to provide the overflow on the ground storage tank ("GST") with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch. Specifically, it was documented that the GST located at the Well No. 1 site did not have a cover on the overflow
- Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)
Description: Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.
- Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.
- Classification: Moderate
Citation: 2B TWC Chapter 11, SubChapter A 11.1272(c)
30 TAC Chapter 288, SubChapter B 288.20(a)
30 TAC Chapter 288, SubChapter C 288.30(5)(B)
Description: Failure to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier. Specifically, it was documented that the Respondent had not adopted a drought contingency plan.
- Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate the Facility's well meter at least once every three years.
- 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 90 days using chlorine solutions of known concentrations.

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: 06/04/2013 (1115536) CN604543785**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine MR Violation 04/2013 - Failure to collect and/or submit any routine monitoring samples within the required timeline.
- 2 Date: 06/14/2013 (1115536) CN604543785**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.
- 3 Date: 07/10/2013 (1115536) CN604543785**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine MR Violation 05/2013 - Failure to collect and/or submit any routine monitoring samples within the required timeline.

- 4 Date: 08/08/2013 (1115536) CN604543785**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: TCR Routine MR Violation 06/2013 - Failure to collect and/or submit any routine monitoring samples within the required timeline.
- 5 Date: 08/21/2013 (1115536) CN604543785**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: APR/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 04/2013.
- 6 Date: 11/22/2013 (1158457) CN604543785**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: ARS MR 2Q2013 - The system failed to monitor and/or report arsenic levels to the TCEQ for the quarterly monitoring period from 04/01/2013 to 06/30/2013 within the required timeline.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: ARS MR 1Q2013 - The system failed to monitor and/or report arsenic levels to the TCEQ for the quarterly monitoring period from 01/01/2013 to 03/31/2013 within the required timeline.
- 7 Date: 02/26/2014 (1158457) CN604543785**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: DLQOR MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 2nd quarter of 2013.
- 8 Date: 03/17/2014 (1158457) CN604543785**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: ARS MR PN 1Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a arsenic monitoring and reporting violation for the quarterly monitoring period from 01/01/2013 to 03/31/2013.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: ARS MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a arsenic monitoring and reporting violation for the quarterly monitoring period from 04/01/2013 to 06/30/2013.

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
CANDELARIA WATER SUPPLY
CORPORATION;
RN101185312**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2014-0541-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. 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 CANDELARIA 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 58 miles north of Presidio on Farm-to-Market Road 170 near Marfa, Presidio County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 28 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 March 24, 2014 through April 4, 2014, an investigator documented that Respondent:
 - a. Failed to provide the results of quarterly arsenic sampling and failed to provide public notification regarding the failure to provide arsenic monitoring results. Specifically, Respondent failed to provide arsenic monitoring results for the first through the fourth quarters of 2013 and did not provide public notification regarding the failure to submit arsenic monitoring results for the first and second quarters of 2013;
 - b. Failed to provide public notification regarding the failure to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") for the second quarter of 2013;
 - c. Failed to provide the results of annual fluoride and nitrate sampling to the Executive Director for the 2013 monitoring period; and
 - d. Failed to provide the results of triennial cyanide, mineral, metal and synthetic organic chemical ("SOC") (method 504) contaminant sampling to the Executive Director for the January 1, 2011 through December 31, 2013 monitoring period.
3. 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 CANDELARIA WATER SUPPLY CORPORATION" (the "EDPRP") in the TCEQ Chief Clerk's office on July 10, 2014.

4. Respondent filed an answer requesting a hearing on August 1, 2014, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on September 3, 2014.
5. On September 16, 2014, the TCEQ Chief Clerk mailed notice of the October 9, 2014, preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.
6. On October 9, 2014, the Administrative Law Judge ("ALJ") convened the preliminary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be dismissed from the SOAH Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.
7. On October 29, 2014, the ALJ entered a finding that Respondent was served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 1, Dismissing and Remanding, so that TCEQ may dispose of this case on a default basis.

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 TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide the results of quarterly arsenic sampling and failed to provide public notification regarding the failure to provide arsenic monitoring results, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.122(c)(2)(A).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide public notification regarding the failure to submit a DLQOR, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the results of annual fluoride and nitrate sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the results of triennial cyanide, mineral, metal and SOC (method 504) contaminant sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e).
6. As evidenced by Finding of Fact No. 4, Respondent filed an answer requesting a hearing as required by TEX. HEALTH & SAFETY CODE § 341.049(e) and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(b) and 30 TEX. ADMIN. CODE § 70.109.
7. As evidenced by Finding of Fact No. 5, Respondent was provided proper notice of the preliminary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. HEALTH & SAFETY CODE § 341.049(g), 1 TEX. ADMIN. CODE §§ 155.103(a) and (c)(3), 155.401 and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.23, 39.25, 39.405, 39.413, 39.423, 39.425 and 80.6.
8. As evidenced by Findings of Fact Nos. 6 and 7, Respondent failed to appear for the preliminary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4), TEX. HEALTH & SAFETY CODE § 341.049(g), and 1 TEX. ADMIN. CODE § 155.501(d), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 70.106(b).

9. 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.
10. An administrative penalty in the amount of nine hundred seventy-nine dollars (\$979.00) 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.
11. 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 nine hundred seventy-nine dollars (\$979.00) 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: CANDELARIA WATER SUPPLY CORPORATION; Docket No. 2014-0541-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:
 - i. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants) and 290.107 (Organic Contaminants) (Conclusions of Law Nos. 2, 4, and 5);
 - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants) and 290.107 (Organic Contaminants) (Conclusions of Law Nos. 2, 4, and 5); and
 - iii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including providing public notification regarding the failure to submit a DLQOR and the failure to provide arsenic sampling results, in

accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusions of Law Nos. 2 and 3).

- b. Within 45 days after the effective date of this Order, submit written certification, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.iii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, 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 certification 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
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 LAURA EVANS

STATE OF TEXAS

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COUNTY OF TRAVIS

"My name is Laura Evans. 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 CANDELARIA WATER SUPPLY CORPORATION" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on July 10, 2014.

Respondent filed an answer requesting a hearing on August 1, 2014, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on September 3, 2014. On September 16, 2014, the TCEQ Chief Clerk mailed notice of the October 9, 2014 preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.

Respondent failed to appear at the hearing on October 9, 2014. At that hearing, I requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(d), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

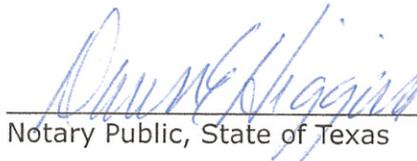
The ALJ remanded the matter to the Executive Director by SOAH Order No. 1, Dismissing and Remanding, issued on October 29, 2014, so that TCEQ may dispose of this case on a default basis."



Laura Evans, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Laura Evans, 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 19th day of November, A.D. 2014.


Notary Public, State of Texas