

Executive Summary – Enforcement Matter – Case No. 49725
PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.
RN101212132
Docket No. 2014-1776-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Port Alto Homeowners Association District 1, 203 County Road 307 North near Port Lavaca, Calhoun County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 6, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$650

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$650

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$38

Applicable Penalty Policy: September 2002 and April 2014

**Executive Summary – Enforcement Matter – Case No. 49725
PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.
RN101212132
Docket No. 2014-1776-PWS-E**

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 27, 2014 through November 14, 2014

Date(s) of NOE(s): November 14, 2014

Violation Information

1. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
2. Failed to meet the CCR adequacy, availability, and/or content requirements [30 TEX. ADMIN. CODE §§ 290.272 and 290.274(a)].
3. Failed to provide the results of Disinfectant Byproducts sampling to the Executive Director ("ED") [30 TEX. ADMIN. CODE § 290.115(e)].
4. Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
5. Failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to collect groundwater source *Escherichia coli* samples from each active well following a coliform positive sample result [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Executive Summary – Enforcement Matter – Case No. 49725
PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.
RN101212132
Docket No. 2014-1776-PWS-E

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

- i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the years 2013 and 2014 or for the most current calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers;
- ii. Ensure that all delinquent drinking water chemical analysis results are reported to the ED or demonstrate that a compliance schedule has been established;
- iii. 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 ED within ten days of ED request or of their receipt by the Facility, whichever is later;
- iv. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the most recent monitoring period in which lead samples were collected; and
- v. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility including but not limited to: providing public notification regarding the failure to collect groundwater source *Escherichia coli* samples from each active well following a coliform positive sample result.

b. Within 45 days:

- i. Submit written certification to demonstrate compliance with Ordering Provision a.i. through a.v.;
- ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
- iii. Submit to the Commission a copy of the consumer notification provided to the persons served at the locations that were sampled for lead and copper and the certification that the consumer notification has been distributed to said persons in a manner consistent with TCEQ requirements.

**Executive Summary – Enforcement Matter – Case No. 49725
PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.
RN101212132
Docket No. 2014-1776-PWS-E**

c. Within 60 days, submit written certification to demonstrate compliance with Ordering Provisions b.ii. and b.iii.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Katy Montgomery, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4016; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Randy Underwood, President, PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC., 5135 Maple Street, Bellaire, Texas 77401
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	17-Nov-2014	Screening	1-Dec-2014	EPA Due	31-Dec-2014
	PCW	13-Jan-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.				
Reg. Ent. Ref. No.	RN101212132				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	49725	No. of Violations	1	
Docket No.	2014-1776-PWS-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Katy Montgomery	
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts ***Capped at the Total EB \$ Amount**
 Estimated Cost of Compliance

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 1-Dec-2014

Docket No. 2014-1776-PWS-E

PCW

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.

Policy Revision 2 (September 2002)

Case ID No. 49725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101212132

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

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

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> 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.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 1-Dec-2014

Docket No. 2014-1776-PWS-E

PCW

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.

Policy Revision 2 (September 2002)

Case ID No. 49725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101212132

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

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

Violation Description Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the year 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

364 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$105

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

Economic Benefit Worksheet

Respondent Case ID No. PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.
 49725
Reg. Ent. Reference No. RN101212132
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				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]	\$86	1-Jul-2011	1-Dec-2014	4.34	\$19	\$86	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2010 CCR to the customers of the Facility and to the TCEQ (([0.50 x 71 connections] + \$50) x one year), calculated from the date the report was due to the screening date.

Approx. Cost of Compliance \$86

TOTAL \$105



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	17-Nov-2014	Screening	1-Dec-2014	EPA Due	31-Dec-2014
	PCW	14-Jan-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.	
Reg. Ent. Ref. No.	RN101212132	
Facility/Site Region	14-Corpus Christi	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	49725	No. of Violations	5
Docket No.	2014-1776-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Katy Montgomery
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Estimated Cost of Compliance *Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 1-Dec-2014

Docket No. 2014-1776-PWS-E

PCW

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.

Policy Revision 4 (April 2014)

Case ID No. 49725

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101212132

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

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

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> **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.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 20%

Screening Date 1-Dec-2014

Docket No. 2014-1776-PWS-E

PCW

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.

Policy Revision 4 (April 2014)

Case ID No. 49725

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101212132

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

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

Violation Description Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the years 2011 and 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor). All cells are empty.

Percent 0.0%

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor. Major cell contains 'x'.

Percent 5.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

730 Number of violation days

Table with columns: mark only one with an x, daily, weekly, monthly, quarterly, semiannual, annual, single event. single event cell contains 'x'.

Violation Base Penalty \$100

Two single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer. N/A cell contains 'x', (mark with x) cell contains '(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 \$200

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

Economic Benefit Worksheet

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.
Case ID No. 49725
Reg. Ent. Reference No. RN101212132
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				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]	\$171	1-Jul-2012	1-Dec-2014	3.34	\$29	\$171	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2011 and 2012 CCRs to the customers of the Facility and to the TCEQ (([\$0.50 x 71 connections] + \$50) x two years), calculated from the date the 2011 report was due to the screening date.

Approx. Cost of Compliance

\$171

TOTAL

\$200

Screening Date 1-Dec-2014

Docket No. 2014-1776-PWS-E

PCW

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.

Policy Revision 4 (April 2014)

Case ID No. 49725

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101212132

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.272 and 290.274(a)

Violation Description

Failed to meet the adequacy, availability, and/or content requirements for the CCR for the year of 2013. Specifically, the date of the certificate of delivery was prior to the CCR print out date and the CCR did not include the following: signature, correct Source Water Assessment language, source name, and disinfectant residual.

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 requirements were not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

364 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 NOE/NOV	NOE/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 \$4

Violation Final Penalty Total \$12

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

Economic Benefit Worksheet

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.
Case ID No. 49725
Reg. Ent. Reference No. RN101212132
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$85	1-Jul-2014	30-Jun-2015	1.00	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail or directly deliver the complete and accurate 2013 CCR to the customers of the Facility and to the TCEQ ($[(\$0.50 \times 71 \text{ connections}) + \$50] \times \text{one year}$), calculated from the due date of the 2013 CCR 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

\$85

TOTAL

\$4

Screening Date 1-Dec-2014

Docket No. 2014-1776-PWS-E

PCW

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.

Policy Revision 4 (April 2014)

Case ID No. 49725

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101212132

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.115(e)

Violation Description Failed to provide the results of Stage 2 Disinfection Byproducts ("DBP2") sampling to the Executive Director for the first and second quarters of 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
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

181 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

Two single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/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 \$20

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

Economic Benefit Worksheet

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.
Case ID No. 49725
Reg. Ent. Reference No. RN101212132
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$195	31-Mar-2014	30-Jun-2015	1.25	\$1	\$16	\$17
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)	\$100	27-Oct-2014	30-Jun-2015	0.67	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to pay any outstanding lab fees (\$97.63 for stage 2 DBP x two monitoring periods) so that the lab will release all drinking water chemical analysis results, calculated from the last date of the first monitoring period for which results were not provided to 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 that future drinking water chemical sample 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.

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	\$295	TOTAL	\$20
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Screening Date 1-Dec-2014

Docket No. 2014-1776-PWS-E

PCW

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.

Policy Revision 4 (April 2014)

Case ID No. 49725

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101212132

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.117(i)(6) and (j)

Violation Description

Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the January 1, 2013 through June 30, 2013 and July 1, 2013 through December 31, 2013 monitoring periods.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	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

182 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

Two single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/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 \$116

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

Economic Benefit Worksheet

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.

Case ID No. 49725

Reg. Ent. Reference No. RN101212132

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

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]	\$105	30-Sep-2013	1-Dec-2014	2.09	\$11	\$105	\$116
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail the consumer notification for the January 1, 2013 through June 30, 2013 and July 1, 2013 through December 31, 2013 monitoring periods to persons served at the locations that were sampled and to the TCEQ ((\$0.50 x five sampled locations + \$50) x two monitoring periods), calculated from the date the consumer notification was due for the January 1, 2013 through June 30, 2013 monitoring period to the screening date.

Approx. Cost of Compliance

\$105

TOTAL

\$116

Screening Date 1-Dec-2014

Docket No. 2014-1776-PWS-E

PCW

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.

Policy Revision 4 (April 2014)

Case ID No. 49725

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101212132

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description

Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect groundwater source Escherichia coli samples from each active well following a coliform positive sample result for the months of July 2011 and February 2013. Specifically, public notification was due by October 31, 2011 and May 31, 2013, respectively, and was not provided.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	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

184 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 NOE/NOV NOE/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 \$55

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

Economic Benefit Worksheet

Respondent PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.
Case ID No. 49725
Req. Ent. Reference No. RN101212132
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)	\$100	27-Oct-2014	30-Jun-2015	0.67	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$25	1-Aug-2011	31-Oct-2011	1.17	\$1	\$25	\$26
Other (as needed)	\$25	1-Mar-2013	31-May-2013	1.17	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided cost of compliance includes the estimated amount to provide public notification regarding the failure to collect groundwater source Escherichia coli samples (\$25 per notification x two missed notifications), calculated for the periods in which public notifications were due.

Approx. Cost of Compliance

\$150

TOTAL

\$55

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.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600655096, RN101212132, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600655096, PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC. **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101212132, PORT ALTO HOMEOWNERS ASSOCIATION DISTRICT 1 **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 203 COUNTY ROAD 307 NORTH NEAR PORT LAVACA, CALHOUN COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0290027 **WATER LICENSING LICENSE** 0290027

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: December 01, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 01, 2009 to December 01, 2014

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

Name: Katy Montgomery

Phone: (210) 403-4016

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:

N/A

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:	10/16/2014 (1205146)	CN600655096
	Self Report?	NO	Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.272
30 TAC Chapter 290, SubChapter H 290.273
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2013 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2013 CCR year.

- 2 Date: 10/22/2014 (1205146) CN600655096
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)
30 TAC Chapter 290, SubChapter F 290.115(f)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(4)
Description: DBP2 MR 1Q2014 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the quarterly monitoring period from 01/01/2014 to 03/31/2014.
- 3 Date: 10/31/2014 (1205146) CN600655096
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during 1st 6M2013.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during 2nd 6M2013.
- 4 Date: 11/04/2014 (1205146) CN600655096
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)
30 TAC Chapter 290, SubChapter F 290.115(f)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(4)
Description: DBP2 MR 2Q2014 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the quarterly monitoring period from 04/01/2014 to 06/30/2014.

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

Citation: 30 TAC Chapter 290, SubChapter D 290.42(I)
Description: Failed to compile a thorough plant operations manual and keep up-to-date for operator review and reference.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failed to have each of the system's ground, elevated, and pressure tanks inspected annually by water system personnel or a contracted inspection service.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failed to terminate the overflow at ground level or locate the overflow near enough and at a position accessible from a ladder or the balcony for inspection purposes. The overflow shall be designed in strict accordance with current AWWA standards and shall terminate with a gravity-hinged and weighted cover.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failed to provide a liquid level indicator at the water storage tank site.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failed to keep all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances maintained in a watertight condition and free of excessive solids.

7* Date: 11/14/2013 (1205146) CN600655096

Classification: Moderate

Self Report? NO For Informational Purposes Only

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 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

8 Date: 10/16/2014 (1205146) CN600655096

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter H 290.272
30 TAC Chapter 290, SubChapter H 290.273
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2013 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2013 CCR year.

9 Date: 10/22/2014 (1205146) CN600655096

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)
30 TAC Chapter 290, SubChapter F 290.115(f)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(4)

Description: DBP2 MR 1Q2014 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the quarterly monitoring period from 01/01/2014 to 03/31/2014.

10 Date: 10/31/2014 (1205146) CN600655096

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during 1st 6M2013.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during 2nd 6M2013.

11 Date: 11/04/2014 (1205146) CN600655096

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)
30 TAC Chapter 290, SubChapter F 290.115(f)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(4)

Description: DBP2 MR 2Q2014 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the quarterly monitoring period from 04/01/2014 to 06/30/2014.

* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

Appendix B

All Investigations Conducted During Component Period December 01, 2009 and December 01, 2014

(878498)

Item 1 November 30, 2010** For Informational Purposes Only

(901100)

Item 2 March 08, 2011** For Informational Purposes Only

(1121417)

Item 3 October 28, 2013** For Informational Purposes Only

(1163515)

Item 4 April 30, 2014** For Informational Purposes Only

(1205146)

Item 5 November 10, 2014 For Informational Purposes Only

(1208952)

Item 6 November 14, 2014 For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
PORT ALTO HOMEOWNERS'	§	
ASSOCIATION DISTRICT #1, INC.	§	ENVIRONMENTAL QUALITY
RN101212132	§	

AGREED ORDER DOCKET NO. 2014-1776-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 203 County Road 307 North near Port Lavaca, Calhoun County, Texas (the "Facility") that has

approximately 71 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from October 27, 2014 through November 14, 2014, TCEQ staff documented that the Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and did not submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the years 2010, 2011 and 2012.
3. During a record review conducted from October 27, 2014 through November 14, 2014, TCEQ staff documented that the date of the certificate of delivery was prior to the CCR print out date and the CCR did not include the following: signature, correct Source Water Assessment language, source name, and disinfectant residual for the 2013 CCR.
4. During a record review conducted from October 27, 2014 through November 14, 2014, TCEQ staff documented that the Respondent did not provide the results of Stage 2 Disinfection Byproducts ("DBP2") sampling to the Executive Director for the first and second quarters of 2014.
5. During a record review conducted from October 27, 2014 through November 14, 2014, TCEQ staff documented that the Respondent did not mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and did not submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the January 1, 2013 through June 30, 2013 and July 1, 2013 through December 31, 2013 monitoring periods.
6. During a record review conducted from October 27, 2014 through November 14, 2014, TCEQ staff documented that the Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect groundwater source *Escherichia coli* samples from each active well following a coliform positive sample result for the months of July 2011 and February 2013. Specifically, public notification was due by October 31, 2011 and May 31, 2013, respectively, and was not provided.
7. The Respondent received notice of the violations on November 22, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 2, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to meet the CCR adequacy, availability, and/or content requirements, in violation of 30 TEX. ADMIN. CODE §§ 290.272 and 290.274(a).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide the results of DBP2 sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.115(e).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect groundwater source *Escherichia coli* samples from each active well following a coliform positive sample result, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of Six Hundred Fifty Dollars (\$650) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Six Hundred Fifty Dollar (\$650) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Six Hundred Fifty Dollars (\$650) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC., Docket No. 2014-1776-PWS-E" 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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order,
 - i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the years 2013 and 2014 or for the most current calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE § 290.274;
 - ii. 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 § 290.115 (DBP2);
 - iii. 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 § 290.115 (DBP2);
 - iv. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the most recent monitoring period in which lead samples were collected, in accordance with 30 TEX. ADMIN. CODE § 290.117; and
 - v. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility including but

not limited to: providing public notification regarding the failure to collect groundwater source *Escherichia coli* samples from each active well following a coliform positive sample result, in accordance with 30 TEX. ADMIN. CODE § 290.122.

- b. Within 45 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 2.c. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.v.;
 - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - iii. Submit to the Commission a copy of the consumer notification provided to the persons served at the locations that were sampled for lead and copper and the certification that the consumer notification has been distributed to said persons in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117. The sample copy of the consumer notification and the certification shall be mailed to:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.ii. and 2.b.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Romana
For the Executive Director

4/7/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC. I am authorized to agree to the attached Agreed Order on behalf of PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

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

Randy
Signature

1/26/15
Date

RANDY V. UNDERWOOD
Name (Printed or typed)
Authorized Representative of
PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC.

President

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