

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 48534
BAHAR DEVELOPMENT, INC. dba Key Largo Utilities
RN101244481
Docket No. 2014-0565-PWS-E

Order Type:

Default Order

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

County Road 257Q North, Follets Island, Brazoria County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: \$0

Past-Due Fees: \$142.45 (Acct. No. 90200401; referred for collection)

Interested Third-Parties: None

Other: After four failed attempts to serve Respondent with notice of the EDPRP, service was perfected through substituted service on the Secretary of State–Citations Unit.

Texas Register Publication Date: October 23, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,628

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$1,628

Compliance History Classifications:

Person/CN –N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: March 21, 2014
Date(s) of NOV(s): See Compliance History – 5 related NOVs
Date(s) of NOE(s): March 21, 2014

Violation Information

1. Failed to submit a Disinfectant Level Quarterly Operating Report (DLQOR) to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification regarding the failure [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A)].
2. Failed to provide public notification regarding the failure to collect routine coliform monitoring samples and the failure to monitor for Disinfectant Byproducts (DBPs) [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].
3. 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)].
4. Failed to provide the results of annual nitrate sampling to the Executive Director and failed to provide public notification regarding the failure [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.122(c)(2)(A)].
5. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director [30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
None

Technical Requirements:

1. Within 30 days:
 - a. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs;
 - b. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including providing public notification regarding the failure to conduct routine coliform monitoring, submit DLQORs, and monitor for DBPs and nitrates;
 - c. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established;
 - d. 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 Directors request or of their receipt by the Facility, whichever is later;
 - e. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed by an approved laboratory and the results reported to the Executive Director within ten days following the end of each monitoring period; and

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 48534
BAHAR DEVELOPMENT, INC. dba Key Largo Utilities
RN101244481
Docket No. 2014-0565-PWS-E

- f. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers.
2. Within 45 days:
 - a. Submit written certification to demonstrate compliance with Technical Requirements Nos. 1.a. through 1.f.; and
 - b. 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.
3. Within 60 days submit written certification to demonstrate compliance with Technical Requirement No. 2.b..
4. Within 90 days:
 - a. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting; and
 - b. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period.
5. Within 285 days submit written certification to demonstrate compliance with Technical Requirement No. 4.a.
6. Within 470 days submit written certification to demonstrate compliance with Technical Requirement No. 4.b.

Litigation Information

Date Petition(s) Filed: September 2, October 8, and October 29, 2014; January 14, 2015; May 27, 2015 (Secretary of State)

Date Green Card(s) Signed: Unclaimed; Unclaimed; Unclaimed; Unclaimed; June 19, 2015 (Secretary of State)

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Jacquelyn Boutwell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Katie Hargrove, Enforcement Division, (512) 239-2569

TCEQ Regional Contact: Steve Smith, Houston Regional Office, (713) 767-3500

Respondent Contact: Mondona Rafizadeh, President, BAHAR DEVELOPMENT, INC., P.O. Box 53747, Houston, Texas 77052

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	24-Mar-2014			
	PCW	24-Jul-2014	Screening	8-Apr-2014	EPA Due
					31-Mar-2013

RESPONDENT/FACILITY INFORMATION

Respondent	BAHAR DEVELOPMENT, INC. dba Key Largo Utilities				
Reg. Ent. Ref. No.	RN101244481				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	48534	No. of Violations	5
Docket No.	2014-0565-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	James Fisher
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$800
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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	25.0% Enhancement	Subtotals 2, 3, & 7	\$200
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Notes	Enhancement for five NOV's with the same or similar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$645	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	#NAME?	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	62.8%	Adjustment	\$628
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement for the recovery of avoided costs associated with Violation Nos. 1 through 5.
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Final Penalty Amount	\$1,628
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,628
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$1,628
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Screening Date 8-Apr-2014

Docket No. 2014-0565-PWS-E

PCW

BAHAR DEVELOPMENT, INC. and

Respondent Mondona Rafizadeh dba Key Largo Utilities

Policy Revision 3 (September 2011)

Case ID No. 48534

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101244481

Media [Statute] Public Water Supply

Enf. Coordinator James Fisher

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>)	5	25%
	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%
<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) 25%

>> **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 five NOVs with the same or similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 25%

Screening Date 8-Apr-2014

Docket No. 2014-0565-PWS-E

PCW

Respondent BAHAR DEVELOPMENT, INC. dba Key Largo Utilities

Policy Revision 3 (September 2011)

Case ID No. 48534

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101244481

Media [Statute] Public Water Supply

Enf. Coordinator James Fisher

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A)

Violation Description

Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification regarding the failure to submit DLQORs. Specifically, the Respondent did not submit DLQORs for the third quarter of 2011 through the second quarter of 2013 and did not provide public notification regarding the failure to submit DLQORs for the first and second quarters of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 8 639 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$400

Eight 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 w th x)

Notes

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

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$258

Violation Final Penalty Total \$814

This violation Final Assessed Penalty (adjusted for limits) \$814

Economic Benefit Worksheet

Respondent BAHAR DEVELOPMENT, INC. dba Key Largo Utilities
Case ID No. 48534
Reg. Ent. Reference No. RN101244481
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	21-Mar-2014	1-Dec-2014	0.70	\$2	n/a	\$2
Training/Sampling	\$100	21-Mar-2014	1-Dec-2014	0.70	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified quarterly DLQORs, calculated from the record review date to the estimated date of compliance. The delayed 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]	\$176	10-Oct-2011	10-Jul-2013	2.67	\$23	\$176	\$199
Other (as needed)	\$50	1-Apr-2013	30-Sep-2013	1.42	\$4	\$50	\$54

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x 8 missed reports), calculated from the date the report was due for the third quarter of 2011 to the date the report was due for the second quarter of 2013. The other avoided cost includes the estimated amount to provide public notification (\$25 per notice x 2 missed notices), calculated from the period that public notification was required.

Approx. Cost of Compliance \$371

TOTAL \$258

Screening Date 8-Apr-2014

Docket No. 2014-0565-PWS-E

PCW

Respondent BAHAR DEVELOPMENT, INC. dba Key Largo Utilities

Policy Revision 3 (September 2011)

Case ID No. 48534

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101244481

Media [Statute] Public Water Supply

Enf. Coordinator James Fisher

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 collect routine coliform monitoring samples for the month of February 2013 and the failure to provide public notice for the failure to monitor for Disinfectant Byproducts for the year 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 Number of violation days 32

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$204

This violation Final Assessed Penalty (adjusted for limits) \$204

Economic Benefit Worksheet

Respondent BAHAR DEVELOPMENT, INC. dba Key Largo Utilities
Case ID No. 48534
Reg. Ent. Reference No. RN101244481
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs The delayed costs of compliance for this violation are included in 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]	\$50	1-Jan-2013	31-May-2013	1.33	\$3	\$50	\$53
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 notices), calculated for the period that public notification was required.

Approx. Cost of Compliance \$50

TOTAL \$53

Screening Date 8-Apr-2014

Docket No. 2014-0565-PWS-E

PCW

Respondent BAHAR DEVELOPMENT, INC. dba Key Largo Utilities

Policy Revision 3 (September 2011)

Case ID No. 48534

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101244481

Media [Statute] Public Water Supply

Enf. Coordinator James Fisher

Violation Number 3

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. Specifically, the Respondent did not mail or directly deliver the CCR to the bill paying customers nor did the Respondent submit the CCR or the required certification to the TCEQ for the years 2011 and 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 730 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 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 \$132

Violation Final Penalty Total \$204

This violation Final Assessed Penalty (adjusted for limits) \$204

Economic Benefit Worksheet

Respondent BAHAR DEVELOPMENT, INC. dba Key Largo Utilities
Case ID No. 48534
Reg. Ent. Reference No. RN101244481
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$116	1-Jul-2012	8-Apr-2014	2.69	\$16	\$116	\$132
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 $([\$0.50 \times 16 \text{ connections}] + \$50) \times 2 \text{ years}$, calculated from the date the first CCR was due to the screening date.

Approx. Cost of Compliance \$116

TOTAL \$132

Screening Date 8-Apr-2014

Docket No. 2014-0565-PWS-E

PCW

Respondent BAHAR DEVELOPMENT, INC. dba Key Largo Utilities

Policy Revision 3 (September 2011)

Case ID No. 48534

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101244481

Media [Statute] Public Water Supply

Enf. Coordinator James Fisher

Violation Number 4

Rule Cite(s)

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

Violation Description

Failed to provide the results of annual nitrate sampling to the Executive Director for the 2012 monitoring period and failed to provide public notification regarding the failure to submit nitrate results for the 2012 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	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 1 365 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 EDRP/ Settlement Offer
	Extraordinary	
Ordinary		
N/A	x	(mark w th x)

Notes

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$102

This violation Final Assessed Penalty (adjusted for limits) \$102

Economic Benefit Worksheet

Respondent BAHAR DEVELOPMENT, INC. dba Key Largo Utilities
Case ID No. 48534
Reg. Ent. Reference No. RN101244481
Media Violation No. Public Water Supply
 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	\$25	31-Dec-2012	1-Dec-2015	2.92	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	21-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 (\$25 for nitrate), so that the lab will release drinking water chemical analysis results. The date required is the last date of the 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.

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-Jan-2013	31-Mar-2013	1.16	\$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 notice), calculated for the period that public notification was required.

Approx. Cost of Compliance \$150

TOTAL \$34

Screening Date 8-Apr-2014

Docket No. 2014-0565-PWS-E

PCW

Respondent BAHAR DEVELOPMENT, INC. dba Key Largo Utilities

Policy Revision 3 (September 2011)

Case ID No. 48534

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101244481

Media [Statute] Public Water Supply

Enf. Coordinator James Fisher

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.117(c)(2) and (i)(1)

Violation Description

Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director. Specifically, the Respondent did not collect the required lead and copper samples for the January 1, 2013 through December 31, 2013 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Matrix Notes Failure to collect lead and copper samples could expose customers of the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$150

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$168

Violation Final Penalty Total \$305

This violation Final Assessed Penalty (adjusted for limits) \$305

Economic Benefit Worksheet

Respondent BAHAR DEVELOPMENT, INC. dba Key Largo Utilities
Case ID No. 48534
Reg. Ent. Reference No. RN101244481
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	21-Mar-2014	1-Jan-2015	0.78	\$4	n/a	\$4

Notes for DELAYED costs
 The delayed cost are includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future lead and copper samples are collected by the Facility's personnel, analyzed 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]	\$150	1-Jan-2013	31-Dec-2013	1.92	\$14	\$150	\$164
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 The avoided cost includes the estimated amount to collect and have analyzed all lead and copper samples (\$30 per sample x 5 samples), calculated for the monitoring period in which samples were required.

Approx. Cost of Compliance	\$250	TOTAL	\$168
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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 CN604537225, RN101244481, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN604537225, BAHAR DEVELOPMENT, INC. **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101244481, Key Largo Utilities **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: Located on County Road 257Q North, Follets Island, TX 77541, Brazoria County
Legal Description: Key Largo (A0029 S F Austin) Block 1, Lot 2; Key Map 888V BRAZORIA COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200401

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

Date Compliance History Report Prepared: April 30, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 03, 2009 to April 03, 2014

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

Name: James Fisher

Phone: (512) 239-2537

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: 06/14/2013 (1150163) CN604537225**
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.
- 2 Date: 06/21/2013 (1150163) CN604537225**
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: FEB/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 02/2013.
- 3 Date: 11/14/2013 (1150163) CN604537225**
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 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.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2013 within the required timeline.

4 Date: 11/25/2013 (1150163) CN604537225

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)
30 TAC Chapter 290, SubChapter F 290.113(f)(1)
30 TAC Chapter 290, SubChapter F 290.113(f)(2)

Description: DBP1 MR YR2012 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2012 to 12/31/2012 within the required timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2012 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2012 to 12/31/2012 within the required timeline.

5 Date: 02/26/2014 (1157091) CN604537225

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 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 disinfectant monitoring and reporting violation during the 1st quarter of 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: 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.

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
BAHAR DEVELOPMENT, INC.
DBA KEY LARGO UTILITIES;
RN101244481**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2014-0565-PWS-E

On _____, 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 BAHAR DEVELOPMENT, INC. d/b/a Key Largo Utilities ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located on County Road 257Q North on Follets Island¹, Brazoria County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 16 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(69).
2. During a record review conducted on March 21, 2014, TCEQ staff documented that Respondent:
 - a. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2011 through the second quarter of 2013 and failed to provide public notification regarding the failure to submit DLQORs for the first and second quarters of 2013;
 - b. Failed to provide public notification regarding the failure to collect routine coliform monitoring samples for the month of February 2013 and failed to provide public notice for the failure to monitor for Disinfectant Byproducts (DBPs) for the year 2012;
 - c. 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;

¹ Legal Description: Key Largo (A0029 S F Austin) Block 1, Lot 2; Key May 888V

- d. Failed to provide the results of annual nitrate sampling to the Executive Director for the 2012 monitoring period and failed to provide public notification regarding the failure to submit nitrate results for the 2012 monitoring period; and
 - e. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director for the January 1, 2013 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 BAHAR DEVELOPMENT, INC. d/b/a Key Largo Utilities" (the "EDPRP") in the TCEQ Chief Clerk's office on September 2, 2014, and October 8, 2014.
 4. The EDPRP was mailed to Respondent's last known addresses on September 2, 2014, and October 8, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service ("USPS") returned the EDPRPs sent by certified mail as "unclaimed."
 5. The Executive Director re-filed the EDPRP with the TCEQ Chief Clerk's office on October 29, 2014, and January 14, 2015.
 6. The EDPRP was mailed to Respondent's last known addresses on October 29, 2014, and January 14, 2015, via certified mail, return receipt requested, and via first class mail, postage prepaid. The USPS returned the EDPRPs sent by certified mail as "unclaimed." The EDPRPs sent by first class mail were also returned.
 7. The Executive Director re-filed the EDPRP with the TCEQ Chief Clerk's office on May 27, 2015.
 8. The EDPRP was mailed to the Secretary of State—Citations Unit (the "SOS") on May 27, 2015, requesting that the SOS serve as Respondent's agent and serve Respondent with a copy of the EDPRP.
 9. The Executive Director received a Certificate of Service from the SOS dated June 22, 2015, stating that Service of Process was returned on June 19, 2015, indicating proper citation and service.
 10. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification regarding the failure to submit DLQORs, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) 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 collect routine coliform monitoring samples and the failure to monitor for DBPs, 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 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).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the results of annual nitrate sampling to the Executive Director and failed to provide public notification regarding the failure, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.122(c)(2)(A).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1).
7. As evidenced by Findings of Fact Nos. 3 through 9, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and TEX. BUS. ORG. CODE §§ 5.251(1)(B), 5.252, and 5.253.
8. As evidenced by Finding of Fact No. 10, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
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 one thousand six hundred twenty-eight dollars (\$1,628.00) 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 one thousand six hundred twenty-eight dollars (\$1,628.00) 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: BAHAR DEVELOPMENT, INC. d/b/a Key Largo Utilities; Docket No. 2014-0565-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. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 2);
 - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including providing public notification regarding the failure to conduct routine coliform monitoring, submit DLQORs, and monitor for DBPs and nitrate, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusions of Law Nos. 2, 3, and 5);
 - iii. 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) (Conclusion of Law No. 5);
 - iv. 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 Directors request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE § 290.106 (Inorganic Contaminants) (Conclusion of Law No. 5);
 - v. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed by an approved laboratory and the results reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117 (Regulation of Lead and Copper) (Conclusion of Law No. 6); and
 - vi. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 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 (Conclusion of Law No. 4).
 - b. Within 45 days after the effective date of this Order:
 - i. Submit written certification, in accordance with Ordering Provision No. 3.g. below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.vi.; and
 - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility pursuant to Ordering Provision No. 3.a.vi. 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

- c. Within 60 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.g. below, to demonstrate compliance with Ordering Provision No. 3.b.ii.
- d. Within 90 days after the effective date of this Order:
- i. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting (Conclusion of Law No. 2). DLQORs shall be submitted to:
- DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- ii. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon one compliant monitoring period (Conclusion of Law No. 6).
- e. Within 285 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.g. below, to demonstrate compliance with Ordering Provision No. 3.d.i.
- f. Within 470 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.g. below, to demonstrate compliance with Ordering Provision No. 3.d.ii.
- g. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

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

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

and:

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed in Ordering Provision No. 3.g., 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 fully executed 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

Date

AFFIDAVIT OF JACQUELYN BOUTWELL

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

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

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 BAHAR DEVELOPMENT, INC. d/b/a Key Largo Utilities" (the "EDPRP") in the TCEQ Chief Clerk's office on September 2, 2014, and October 8, 2014.

The EDPRP was mailed to Respondent's last known addresses on September 2, 2014, and October 8, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service ("USPS") returned the EDPRPs sent by certified mail as "unclaimed."

The Executive Director re-filed the EDPRP with the TCEQ Chief Clerk's office on October 29, 2014, and January 14, 2015.

The EDPRP was mailed to Respondent's last known addresses on October 29, 2014, and January 14, 2015, via certified mail, return receipt requested, and via first class mail, postage prepaid. The USPS returned the EDPRPs sent by certified mail as "unclaimed." The EDPRPs sent by first class mail were also returned.

The Executive Director re-filed the EDPRP with the TCEQ Chief Clerk's office on May 27, 2015.

The EDPRP was mailed to the Secretary of State-Citations Unit (the "SOS") on May 27, 2015, requesting that the SOS serve as Respondent's agent and serve Respondent with a copy of the EDPRP.

The Executive Director received a Certificate of Service from the SOS dated June 22, 2015, indicating proper citation and service in accordance with the provisions of TEX. BUS. ORG. CODE §§ 5.251(1)(B), 5.252, and 5.253.

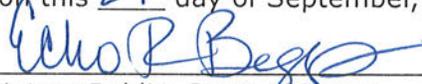
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



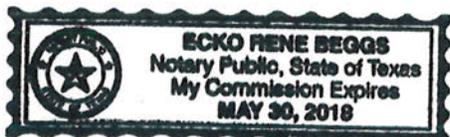
Jacquelyn Boutwell, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Subscribed and sworn to before me on this 24th day of September, A.D. 2015.



Notary Public, State of Texas



Notary without Bond