

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 51068
William E. Vlasek d/b/a Village West Water System
RN101189660
Docket No. 2015-1187-PWS-E

Order Type:
Default Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
corner of Industrial and Cotton Gin Lane near Ingram, Kerr County

Type of Operation:
public water system

Other Significant Matters:
Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third-Parties: None

Texas Register Publication Date: June 17, 2016

Comments Received: None

Penalty Information

Total Penalty Assessed: \$467

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$467

Compliance History Classifications:
Person/CN –Unclassified
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: \$79 enhancement

Applicable Penalty Policy: April 2014

Investigation Information

Date(s) of Investigation: September 23, 2014; June 19, 2015; September 10, 2015
Date(s) of NOV(s): October 31, 2014
Date(s) of NOE(s): July 24, 2015

Violation Information

1. Failed to provide an intruder-resistant fence or well house around the well unit, potable water storage tanks, and pressure maintenance facilities that remains locked during periods of darkness and when the Facility is unattended [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e)].
2. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
3. Failed to develop, maintain, and make available for the Executive Director's review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
4. Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system [30 TEX. ADMIN. CODE § 290.109(c)(1)(A)].
5. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].
6. Failed to complete a CSI certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross connections or other potential contamination hazards exist [30 TEX. ADMIN. CODE § 290.46(j)].
7. Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility [30 TEX. ADMIN. CODE § 290.46(n)(1)].
8. Failed to maintain copies of well completion data such as well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well [30 TEX. ADMIN. CODE § 290.46(n)(3)].
9. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11570 for calendar year 2014 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN CODE § 291.76].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
None

Technical Requirements:

1. Within 30 days:
 - a. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference;
 - b. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements;

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 51068
William E. Vlasek d/b/a Village West Water System
RN101189660
Docket No. 2015-1187-PWS-E

- c. Begin collecting routine distribution coliform samples at representative locations throughout the distribution system, including rotating sample sites;
 - d. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once every seven days, including rotating samples sites;
 - e. Complete customer service inspection certificates for all new construction that receives continuous water service, and at any location undergoing construction or modification when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities; and
 - f. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity 11570 for calendar year 2014.
2. Within 90 days:
- a. Provide an intruder-resistant fence with a lockable gate or a locked and ventilated well house to protect the Facility's well unit, potable water storage tanks, and pressure maintenance facilities that remains locked during periods of darkness and when the Facility is unattended;
 - b. Develop and begin maintaining accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility; and
 - c. Develop and begin maintaining copies of well completion data such a well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, microbiological sample results and a chemical analysis report of a representative sample of water from the well.
3. Submit written certification to demonstrate compliance:
- a. Within 45 days for Technical Requirements Nos. 1.a. through 1.f.; and
 - b. Within 105 days for Technical Requirements Nos. 2.a. through 2.c.

Litigation Information

Date Petition(s) Filed: March 2, 2016
Date Green Card(s) Signed: March 4, 2016
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: Katy Montgomery, Enforcement Division, (210) 403-4016

TCEQ Regional Contact: Lynn Bumguardner, San Antonio Regional Office, (210) 490-3096

Respondent Contact: William E. Vlasek, P.O. Box 326, Hunt, Texas 78024

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	27-Jul-2015	Screening	30-Jul-2015	EPA Due	
	PCW	20-Jan-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	William E. Vlasek dba Village West Water System				
Reg. Ent. Ref. No.	RN101189660				
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	51068	No. of Violations	9
Docket No.	2015-1187-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
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	\$370
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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	5.0% Enhancement	Subtotals 2, 3, & 7	\$18
Notes	Enhancement for one NOV with the same/similar violations.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$336	<i>*Capped at the Total EB \$ Amount</i>	
Estimated Cost of Compliance	\$3,570		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$388
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		Final Penalty Amount	\$388
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STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$467
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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	\$467
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Screening Date 30-Jul-2015

Docket No. 2015-1187-PWS-E

PCW

Respondent William E. Vlasek dba Village West Water System

Policy Revision 4 (April 2014)

Case ID No. 51068

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101189660

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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) 5%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one NOV with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 5%

Screening Date 30-Jul-2015

Docket No. 2015-1187-PWS-E

PCW

Respondent William E. Vlasek dba Village West Water System

Policy Revision 4 (April 2014)

Case ID No. 51068

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101189660

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.41(c)(3)(O) and 290.43(e)

Violation Description

Failed to provide an intruder-resistant fence or well house around the well unit, potable water storage tanks, and pressure maintenance facilities that remains locked during periods of darkness and when the Facility is unattended. Specifically, it was documented that the water plant did not have a dedicated security fence surrounding the well, pressure tank, and ground storage tank ("GST"), subsequently allowing access through the commercial business that shared the security fence.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide an intruder-resistant fence or lockable well house could result in contamination of the facilities by trespassers exposing persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

41 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$50

One quarterly event is recommended, calculated from the record review date, June 19, 2015, to the screening date, July 30, 2015.

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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$266

Violation Final Penalty Total \$53

This violation Final Assessed Penalty (adjusted for limits) \$53

Economic Benefit Worksheet

Respondent William E. Vlasek dba Village West Water System
Case ID No. 51068
Reg. Ent. Reference No. RN101189660
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	23-Sep-2014	31-Mar-2016	1.52	\$13	\$253	\$266
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed costs include the estimated amount to provide an intruder-resistant fence or lockable well house surrounding the well, pressure tank, and GST, calculated from the date of the investigation initially documenting the violation 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 \$2,500

TOTAL \$266

Screening Date 30-Jul-2015

Docket No. 2015-1187-PWS-E

PCW

Respondent William E. Vlasek dba Village West Water System

Policy Revision 4 (April 2014)

Case ID No. 51068

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101189660

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.42(I)

Violation Description

Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the plant operations manual was missing current tank capacities and repair trouble shooting information.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

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

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

41 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	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 w th 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 \$3

Violation Final Penalty Total \$11

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

Economic Benefit Worksheet

Respondent William E. Vlasek dba Village West Water System
Case ID No. 51068
Reg. Ent. Reference No. RN101189660
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)	\$45	23-Sep-2014	29-Feb-2016	1.44	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the plant operations manual, calculated from the date of the investigation initially documenting the violation 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 \$45

TOTAL \$3

Screening Date 30-Jul-2015 Docket No. 2015-1187-PWS-E

PCW

Respondent William E. Vlasek dba Village West Water System

Policy Revision 4 (April 2014)

Case ID No. 51068

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101189660

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description

Failed to develop, maintain and make available for Executive Director review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the monitoring plan did not specify types of sampling at sampling sites or include a map showing sampling locations.

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

41 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 w th 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 \$3

Violation Final Penalty Total \$11

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

Economic Benefit Worksheet

Respondent William E. Vlasek dba Village West Water System
Case ID No. 51068
Reg. Ent. Reference No. RN101189660
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)				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)	\$45	23-Sep-2014	29-Feb-2016	1.44	\$3	n/a	\$3

Notes for DELAYED costs: The delayed cost includes the amount necessary to update the chemical and microbiological monitoring plan, calculated from the date of the investigation initially documenting the violation 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 \$45

TOTAL \$3

Screening Date 30-Jul-2015

Docket No. 2015-1187-PWS-E

PCW

Respondent William E. Vlasek dba Village West Water System

Policy Revision 4 (April 2014)

Case ID No. 51068

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101189660

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.109(c)(1)(A)

Violation Description

Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. Specifically, it was documented that the monitoring records showed that the Respondent was not rotating through microbial sampling sites.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect coliform samples throughout the distribution system could prevent the collection of accurate data and expose persons served by the Facility to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

41 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$50

One quarterly event is recommended, calculated from the record review date, June 19, 2015, to the screening date, July 30, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$53

This violation Final Assessed Penalty (adjusted for limits) \$53

Economic Benefit Worksheet

Respondent William E. Vlasek dba Village West Water System
Case ID No. 51068
Reg. Ent. Reference No. RN101189660
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)	\$100	23-Sep-2014	29-Feb-2016	1.44	\$7	n/a	\$7

Notes for DELAYED costs: The delayed costs include the estimated amount to begin collecting distribution coliform samples at representative locations throughout the distribution system, calculated from the date of the investigation initially documenting the violation 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	\$100	TOTAL	\$7
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Screening Date 30-Jul-2015

Docket No. 2015-1187-PWS-E

PCW

Respondent William E. Vlasek dba Village West Water System

Policy Revision 4 (April 2014)

Case ID No. 51068

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101189660

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.110(c)(4)(A)

Violation Description

Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, it was documented that the monitoring records showed that the Respondent was not rotating through chlorine residual sampling sites.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to monitor the disinfectant residual at representative locations throughout the distribution system could expose persons served by the Facility to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

41 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$50

One quarterly event is recommended, calculated from the record review date, June 19, 2015, to the screening date, July 30, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$53

This violation Final Assessed Penalty (adjusted for limits) \$53

Economic Benefit Worksheet

Respondent William E. Vlasek dba Village West Water System
Case ID No. 51068
Reg. Ent. Reference No. RN101189660
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	23-Sep-2014	29-Feb-2016	1.44	\$7	n/a	\$7

Notes for DELAYED costs: The delayed costs include the estimated amount to perform monitoring of the disinfectant residual at representative locations throughout the distribution system at least once every seven days, calculated from the date of the investigation initially documenting the violation 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 \$100

TOTAL \$7

Screening Date 30-Jul-2015

Docket No. 2015-1187-PWS-E

PCW

Respondent William E. Vlasek dba Village West Water System

Policy Revision 4 (April 2014)

Case ID No. 51068

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101189660

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.46(j)

Violation Description

Failed to complete a customer service inspection ("CSI") certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross connections or other potential contamination hazards exist. Specifically, no documentation of CSIs was provided.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 41 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$100

Two monthly events are recommended, calculated from the record review date, June 19, 2015, to the screening date, July 30, 2015.

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 \$13

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent William E. Vlasek dba Village West Water System
Case ID No. 51068
Reg. Ent. Reference No. RN101189660
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$180	23-Sep-2014	29-Feb-2016	1.44	\$13	n/a	\$13

Notes for DELAYED costs: The delayed costs include the estimated amount to implement a CSI program to ensure that all service connections are properly inspected, calculated from the date of the investigation the violation was initially documented to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$180

TOTAL \$13

Screening Date 30-Jul-2015

Docket No. 2015-1187-PWS-E

PCW

Respondent William E. Vlasek dba Village West Water System

Policy Revision 4 (April 2014)

Case ID No. 51068

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101189660

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(1)

Violation Description Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (5.0%).

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 41 Number of violation days

Table for event frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$53

This violation Final Assessed Penalty (adjusted for limits) \$53

Economic Benefit Worksheet

Respondent William E. Vlasek dba Village West Water System
Case ID No. 51068
Reg. Ent. Reference No. RN101189660
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	19-Jun-2015	30-Apr-2016	0.87	\$0	\$6	\$6
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed costs include the estimated amount to begin maintaining accurate and up-to-date detailed as built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility, 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 \$100 **TOTAL** \$6

Screening Date 30-Jul-2015

Docket No. 2015-1187-PWS-E

PCW

Respondent William E. Vlasek dba Village West Water System

Policy Revision 4 (April 2014)

Case ID No. 51068

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101189660

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(3)

Violation Description

Failed to maintain copies of well completion data such as well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, microbiological sample results and a chemical analysis report of a representative sample of water from the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

41 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 NOE/NOV NOE/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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$53

This violation Final Assessed Penalty (adjusted for limits) \$53

Economic Benefit Worksheet

Respondent William E. Vlasek dba Village West Water System
Case ID No. 51068
Reg. Ent. Reference No. RN101189660
Media Public Water Supply
Violation No. 8

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)	\$500	19-Jun-2015	30-Apr-2016	0.87	\$1	\$29	\$30
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to maintain the required well completion data, 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

\$500

TOTAL

\$30

Screening Date 30-Jul-2015

Docket No. 2015-1187-PWS-E

PCW

Respondent William E. Vlasek dba Village West Water System

Policy Revision 4 (April 2014)

Case ID No. 51068

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101189660

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 9

Rule Cite(s)

30 Tex. Admin Code § 291.76 and Tex. Water Code § 5.702

Violation Description

Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11570 for calendar year 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

All penalties and interest will be determined by the Public Drinking Water Section.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/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 \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

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

Economic Benefit Worksheet

Respondent William E. Vlasek dba Village West Water System
Case ID No. 51068
Reg. Ent. Reference No. RN101189660
Media Public Water Supply
Violation No. 9

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

N/A

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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance \$0

TOTAL \$0

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

PENDING Compliance History Report for CN602147563, RN101189660, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN602147563, William E. Vlasek

Classification: UNCLASSIFIED **Rating:** -----

Regulated Entity: RN101189660, Village West Water System

Classification: NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: CORNER OF INDUSTRIAL AND COTTON GIN LANE NEAR INGRAM, KERR COUNTY, TEXAS

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1330136

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: October 12, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 12, 2010 to October 12, 2015

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:** 10/31/2014 (1198131) **CN602147563**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
30 TAC Chapter 290, SubChapter D 290.42(m)
Description: Failure to have an intruder-resistant fence surrounding the well, pressure tank, and ground storage tank. Specifically, no dedicated fence for Village West water system property was provided.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: Failure to provide an adequately a sealed wellhead. Specifically, the wellhead had rough torch cut holes for running pump electrical into the well.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)
30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to maintain watertight conditions. Specifically, leaks were found in the well discharge line, the ball valve on the well discharge line, the isolation valve for one of the pressure tanks and the base of the ground storage tank were leaking.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)
30 TAC Chapter 290, SubChapter D 290.39(h)(1)
30 TAC Chapter 290, SubChapter D 290.46(n)(1)
Description: Failure to submit and acquire plan approval prior to operating a public water supply or have an exception to the requirement.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
 Description: Failure to calibrate the well meters at least once every three years or provide documentation indicating that the meter has been replaced within the last three year period.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 Description: Failure to provide a complete plant operations manual. At the time of the investigation the operations manual was missing current tank capacities and repair procedure information.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 Description: Failure to compile and provide an up-to-date system monitoring plan. Specifically, the monitoring plan did not specify types of sampling at sampling sites or include a map showing sampling locations.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)
 Description: Failure to take microbial samples representative of the entire distribution system. Specifically, monitoring records showed that the entity was not rotating through microbial sampling sites.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain concrete sealing block at the well.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
 Description: Failure to take chlorine residual samples representative of the entire distribution system. At the time of the investigation, monitoring records showed that the entity was not rotating through chlorine residual sampling sites.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
 Description: Failure to conduct customer service inspection on a suspected hazard.

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
WILLIAM E. VLASEK DBA
VILLAGE WEST WATER
SYSTEM;
RN101189660**

§
§
§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2015-1187-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. WATER CODE 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is William E. Vlasek d/b/a Village West Water System ("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 at the corner of Industrial and Cotton Gin Lane near Ingram, Kerr County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 34 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 an investigation conducted on September 23, 2014, and record reviews conducted on June 19, 2015 and September 10, 2015, an investigator documented that Respondent:
 - a. Failed to provide an intruder-resistant fence or well house around the well unit, potable water storage tanks, and pressure maintenance facilities that remains locked during periods of darkness and when the water plant is unattended. Specifically, the water plant did not have a dedicated security fence surrounding the well, pressure tank, and ground storage tank ("GST"), subsequently allowing access through the commercial business that shared the security fence;
 - b. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the plant operations manual was missing current tank capacities and repair trouble-shooting information;
 - c. Failed to develop, maintain, and make available for the Executive Director's review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the monitoring plan did not specify types of sampling at sampling sites or include a map showing sampling locations;

- d. Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. Specifically, the monitoring records showed that Respondent was not rotating through microbial sampling sites;
 - e. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, the monitoring records showed that Respondent was not rotating through chlorine residual sampling sites;
 - f. Failed to complete a customer service inspection ("CSI") certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross connections or other potential contamination hazards exist. Specifically, no CSI documentation was provided;
 - g. Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility;
 - h. Failed to maintain copies of well completion data such as well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well; and
 - i. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11570 for calendar year 2014.
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 William E. Vlasek d/b/a Village West Water System" (the "EDPRP") in the TCEQ Chief Clerk's office on March 2, 2016.
 4. By letter dated March 2, 2016, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on March 4, 2016, as evidenced by the signature on the card.
 5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide an intruder-resistant fence or well house around the well unit, potable water storage tanks, and pressure maintenance facilities that remains locked during periods of darkness and when the Facility is unattended, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e).

3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(I).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to develop, maintain, and make available for the Executive Director's review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to complete a CSI certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross connections or other potential contamination hazards exist, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to maintain copies of well completion data such as well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11570 for calendar year 2014, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN CODE § 291.76.
11. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
12. As evidenced by Finding of Fact No. 5, 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.
13. Pursuant 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.

14. An administrative penalty in the amount of four hundred sixty-seven dollars (\$467.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in with TEX. HEALTH & SAFETY CODE § 341.049(b).
15. 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 four hundred sixty-seven dollars (\$467.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only 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 violations which are not raised here.
2. The 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 TCEQ and shall be sent with the notation "Re: William E. Vlasek d/b/a Village West Water System; Docket No. 2015-1187-PWS-E" to:

Financial Administration Division, Revenue Operations 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. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 3);
 - ii. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121 (Conclusion of Law No. 4);
 - iii. Begin collecting routine distribution coliform samples at representative locations throughout the distribution system, including rotating sample sites, in accordance with 30 TEX. ADMIN. CODE § 290.109 (Conclusion of Law No. 5);
 - iv. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once every seven days, including rotating samples sites, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 6);
 - v. Complete customer service inspection certificates for all new construction that receives continuous water service, and at any location undergoing construction or modification when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material

improvement, correction, or addition to the private water distribution facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 7); and

- vi. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity 11570 for calendar year 2014 (Conclusion of Law No. 10). The payment, along with the associated Revenue and Regulatory Assessment Reports, shall be sent to:

Regulatory Assessment Coordinator
Public Drinking Water Section, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.e. to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.vi.
- c. Within 90 days after the effective date of this Order:
 - i. Provide an intruder-resistant fence with a lockable gate or a locked and ventilated well house to protect the Facility's well unit, potable water storage tanks, and pressure maintenance facilities that remains locked during periods of darkness and when the Facility is unattended, in accordance with 30 TEX. ADMIN. CODE §§ 290.41 and 290.43 (Conclusion of Law No. 2); and
 - ii. Develop and begin maintaining accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 8); and
 - iii. Develop and begin maintaining copies of well completion data such as well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, microbiological sample results and a chemical analysis report of a representative sample of water from the well, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 9).
- d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.e. to demonstrate compliance with Ordering Provisions Nos. 3.c.i. through 3.c.iii.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this 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

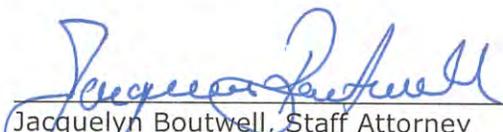
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

"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.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of William E. Vlasek d/b/a Village West Water System" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on March 2, 2016.

The EDPRP was mailed to Respondent's last known address on March 2, 2016, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on March 4, 2016, as evidenced by the signature on the card.

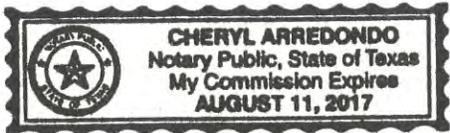
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



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

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

Subscribed and sworn to before me on this 4th day of May, A.D. 2016.



Notary without Bond



Notary Public, State of Texas