

Executive Summary – Enforcement Matter – Case No. 51920
VISTA VERDE WATER SYSTEMS, INC.
RN101651925
Docket No. 2016-0259-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Vista Verde Water Systems, 18124 Breezy Drive near Montgomery, Montgomery County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 24, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,484

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,484

Total Due to General Revenue: \$0

Payment Plan: N/A

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

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$228

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 19 through January 29, 2016

Date(s) of NOE(s): January 29, 2016

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RN101651925
Docket No. 2016-0259-PWS-E

Violation Information

1. Failed to collect routine distribution water samples for coliform analysis [30 TEX. ADMIN. CODE § 290.109(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d)].
2. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
3. Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification had been distributed to the persons served at the locations in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
4. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year and failed to submit 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)].
5. Failed to timely provide public notification and submit a copy of the public notification to the ED regarding the failure to comply with the maximum contaminant level for combined radium and for gross alpha particle activity [30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f)].
6. Failed to timely provide public notification or submit a copy of the public notification to the ED regarding the failure to submit a DLQOR [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
7. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13034 [30 TEX. ADMIN. CODE § 291.76 and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On January 29, 2016, provided public notification and submitted a copy of the public notification to the ED regarding the failure to comply with the maximum contaminant level for combined radium for the second through fourth quarters of 2014 and for gross alpha particle activity for the second and third quarters of 2014.

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b. On February 2, 2016, provided public notification and submitted a copy of the public notification to the ED regarding the failure to submit a DLQOR for the first and third quarters of 2014.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Submit payment for all outstanding regulatory assessment fees for TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13034;

ii. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;

iii. Implement procedures to ensure all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED;

iv. 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;

v. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the most recent monitoring period in which lead samples were collected; and

vi. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the calendar year 2014 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers.

b. Within 45 days:

i. Submit written certification to demonstrate compliance with a.iii. through a.vi.;

ii. Submit to the Commission a copy of the consumer notification provided to the persons served at the locations that were sampled and the certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements; and

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iii. 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.

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

d. Within 90 days, begin submitting DLQORs to the ED 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.

e. Within 225 days, submit written certification to demonstrate compliance with a.ii.

f. Within 285 days, submit written certification to demonstrate compliance with d.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Kevin W. Hester, Owner, VISTA VERDE WATER SYSTEMS, INC., P.O. Box 157, Kirbyville, Texas 75956

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	1-Feb-2016	Screening	16-Feb-2016	EPA Due	31-Dec-2015
	PCW	22-Feb-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	VISTA VERDE WATER SYSTEMS, INC.				
Reg. Ent. Ref. No.	RN101651925				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	51920	No. of Violations	7
Docket No.	2016-0259-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **42.0%** Adjustment **Subtotals 2, 3, & 7**

Notes: Enhancement for eight NOV's with the same/similar violations and one NOV with dissimilar violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit **0.0%** Enhancement* **Subtotal 6**

Total EB Amounts	\$261
Estimated Cost of Compliance	\$706

*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with violation nos. 1, 2, 3, and 4.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 16-Feb-2016

Docket No. 2016-0259-PWS-E

PCW

Respondent VISTA VERDE WATER SYSTEMS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51920

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101651925

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	1	2%
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) 42%

>> 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 eight NOVs with the same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 42%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 42%

Screening Date 16-Feb-2016

Docket No. 2016-0259-PWS-E

PCW

Respondent VISTA VERDE WATER SYSTEMS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51920

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101651925

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(A) and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to collect routine distribution water samples for coliform analysis for the months of August, September and October of 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect coliform distribution samples could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 3

91 Number of violation days

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

Violation Base Penalty \$450

Three monthly events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$79

Violation Final Penalty Total \$785

This violation Final Assessed Penalty (adjusted for limits) \$785

Economic Benefit Worksheet

Respondent VISTA VERDE WATER SYSTEMS, INC.

Case ID No. 51920

Reg. Ent. Reference No. RN101651925

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$75	1-Aug-2015	31-Oct-2015	1.17	\$4	\$75	\$79
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to conduct routine coliform sampling (\$25 per sample x three months), calculated for the months sampling was not conducted.

Approx. Cost of Compliance

\$75

TOTAL

\$79

Screening Date 16-Feb-2016

Docket No. 2016-0259-PWS-E

PCW

Respondent VISTA VERDE WATER SYSTEMS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51920

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101651925

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s)

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

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 each quarter for the third quarter of 2015.

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

91 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an 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 EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$87

This violation Final Assessed Penalty (adjusted for limits) \$87

Economic Benefit Worksheet

Respondent VISTA VERDE WATER SYSTEMS, INC.
Case ID No. 51920
Reg. Ent. Reference No. RN101651925
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	\$45	19-Jan-2016	13-Sep-2016	0.65	\$1	n/a	\$1
Training/Sampling	\$100	19-Jan-2016	13-Sep-2016	0.65	\$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 record keeping/training delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$22	10-Oct-2015	11-Oct-2015	0.00	\$0	\$22	\$22
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs The avoided costs include the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR), calculated from the date the report was due for the third quarter of 2015.

Approx. Cost of Compliance	\$167	TOTAL	\$27
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Screening Date 16-Feb-2016

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PCW

Respondent VISTA VERDE WATER SYSTEMS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51920

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101651925

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s)

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

Violation Description

Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification had been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the January 1, 2005 through December 31, 2013 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

89 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 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 \$60

Violation Final Penalty Total \$87

This violation Final Assessed Penalty (adjusted for limits) \$87

Economic Benefit Worksheet

Respondent VISTA VERDE WATER SYSTEMS, INC.
Case ID No. 51920
Reg. Ent. Reference No. RN101651925
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$53	1-Jan-2014	16-Feb-2016	3.04	\$8	\$53	\$60
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to prepare and mail the consumer notification to persons served at the locations that were sampled and to the TCEQ [(((\$0.50 x five sampled locations) + \$50) x one monitoring period), calculated from the date the consumer notification was due to the screening date.

Approx. Cost of Compliance

\$53

TOTAL

\$60

Screening Date 16-Feb-2016

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PCW

Respondent VISTA VERDE WATER SYSTEMS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51920

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101651925

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

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 for each year and failed to submit 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 to the TCEQ for calendar years 2013 and 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	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

730 Number of violation days

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

Violation Base Penalty \$100

Two single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$77

Violation Final Penalty Total \$175

This violation Final Assessed Penalty (adjusted for limits) \$175

Economic Benefit Worksheet

Respondent VISTA VERDE WATER SYSTEMS, INC.
Case ID No. 51920
Reg. Ent. Reference No. RN101651925
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
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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)	\$68	1-Jul-2015	13-Sep-2016	1.21	\$4	n/a	\$4

Notes for DELAYED costs: The delayed costs include the estimated amount necessary to prepare and mail or directly deliver the 2014 CCR to the customers of the Facility and to the TCEQ ((\$0.50 x 36 connections plus a flat fee of \$50), calculated from the 2014 CCR due date to 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]	\$68	1-Jan-2014	1-Jul-2014	1.41	\$5	\$68	\$73
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs: The avoided costs include the estimated amount necessary to prepare and mail or directly deliver the 2013 CCR to the customers of the Facility and to the TCEQ ((\$0.50 x 36 connections plus a flat fee of \$50), calculated for the timeframe the 2013 CCR was due.

Approx. Cost of Compliance	\$136	TOTAL	\$77
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Screening Date 16-Feb-2016

Docket No. 2016-0259-PWS-E

PCW

Respondent VISTA VERDE WATER SYSTEMS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51920

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101651925

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.122(b)(3)(A) and (f)

Violation Description

Failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to comply with the maximum contaminant level ("MCL") for combined radium for the second through fourth quarters of 2014 and for gross alpha particle activity for the second and third quarters of 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	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 5

579 Number of violation days

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

Violation Base Penalty \$50

Five single events are recommended (one for each notification).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$87

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent VISTA VERDE WATER SYSTEMS, INC.

Case ID No. 51920

Reg. Ent. Reference No. RN101651925

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)	\$125	2-Jul-2014	29-Jan-2016	1.58	\$10	n/a	\$10

Notes for DELAYED costs

The record keeping delayed costs are captured in the Economic Benefit worksheet for Violation No. 6. The other delayed costs include the estimated amount to ensure that the public notifications regarding the failure to comply with the MCL for combined radium and gross alpha particle activity (\$25 per notification x five notifications) are provided to persons served by the Facility and a copy of each public notification is submitted to the Executive Director, calculated from the due date of the earliest public notification to the date the notifications were provided.

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

\$125

TOTAL

\$10

Screening Date 16-Feb-2016

Docket No. 2016-0259-PWS-E

PCW

Respondent VISTA VERDE WATER SYSTEMS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51920

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101651925

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 6

Rule Cite(s)

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

Violation Description

Failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR for the first and third quarters of 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	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 2

180 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$20

Two single events are recommended (one for each notification).

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 \$20

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$35

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent VISTA VERDE WATER SYSTEMS, INC.
Case ID No. 51920
Reg. Ent. Reference No. RN101651925
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	\$100	19-Jan-2016	13-Sep-2016	0.65	\$3	n/a	\$3
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)	\$50	11-Jul-2014	2-Feb-2016	1.56	\$4	n/a	\$4

Notes for DELAYED costs

The delayed costs include the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance. The delayed costs include the estimated amount to ensure that all required public notifications (\$25 per notification x two notifications) are provided to persons served by the Facility and a copy of the public notification is provided to the Executive Director, calculated from the due date of the first public notification to the date the notifications were provided.

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 \$150

TOTAL \$7

Screening Date 16-Feb-2016

Docket No. 2016-0259-PWS-E

PCW

Respondent VISTA VERDE WATER SYSTEMS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51920

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101651925

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 7

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. 13034 for calendar years 2002 through 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

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

Violation Base Penalty \$0

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

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before 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 \$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 VISTA VERDE WATER SYSTEMS, INC.
Case ID No. 51920
Req. Ent. Reference No. RN101651925
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

N/A

Avoided Costs

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

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

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0



Compliance History Report

PUBLISHED Compliance History Report for CN601582695, RN101651925, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN601582695, VISTA VERDE WATER SYSTEMS, INC.	Classification: NOT APPLICABLE	Rating: N/A
Regulated Entity:	RN101651925, VISTA VERDE WATER SYSTEMS	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	18124 BREEZY DR NEAR MONTGOMERY, MONTGOMERY COUNTY, TX		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1700694 WATER LICENSING LICENSE 1700694		

Compliance History Period:	September 01, 2010 to August 31, 2015	Rating Year:	2015	Rating Date:	09/01/2015
Date Compliance History Report Prepared:	February 12, 2016				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	February 12, 2011 to February 12, 2016				

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

Name: Yuliya Dunaway **Phone:** (210) 403-4077

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

- A. Final Orders, court judgments, and consent decrees:**
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: 04/30/2015 (1307201) CN601582695

	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 3Q2014 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 3rd quarter of 2014.		
2	Date:	07/21/2015 (1254762)	CN601582695	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(l)		
	Description:	Failure to flush all dead-end mains monthly.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ii)		
	Description:	Failure to maintain copies of any public notice issued by the water system.		
3	Date:	07/31/2015 (1307201)	CN601582695	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:	COMB RAD MCL PN 4Q2014 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 violation of the maximum contaminant level for combined radium during the 4th quarter of 2014.		
4	Date:	10/06/2015 (1307201)	CN601582695	
	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 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.		
5	Date:	10/30/2015 (1307201)	CN601582695	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.109(f)(5) 30 TAC Chapter 290, SubChapter F 290.109(f)(7)		
	Description:	TCR Routine MR Violation 08/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.		
6	Date:	11/12/2015 (1307201)	CN601582695	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.109(f)(5) 30 TAC Chapter 290, SubChapter F 290.109(f)(7)		
	Description:	TCR Routine MR Violation 09/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.		
7	Date:	01/11/2016 (1307201)	CN601582695	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.109(f)(5) 30 TAC Chapter 290, SubChapter F 290.109(f)(7)		
	Description:	TCR Routine MR Violation 10/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.		
8	Date:	01/20/2016 (1307201)	CN601582695	
	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 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2015 within the required timeline.		

Self Report? NO

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during 06/01/2013 to 09/30/2013.

*Can find monitoring period in comments of the violation in SDWIS. For reduced LCR schedules the monitoring period is always from June 1st to September 30th.

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 2/12/2011 and 2/12/2016

- 1 Date: 04/10/2013 (1059911) CN601582695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to develop and maintain an up to date system monitoring plan.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failure to prepare and maintain a map of the distribution system so that valves and mains may be easily located during emergencies.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to compile and maintain, a current, and thorough plant operations manual for operator review and reference.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure by the regulated entity to verify the accuracy of the manual disinfectant residual analyzers at least every 30 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the three strands of barbed wire at the top of the fence at the well site.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure by the regulated entity to calibrate the well meter required by 30 TAC 290.41(c)(3)(N) according to the manufacturer's specifications at least once every three years.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)
Description: Failure to provide minimum well capacity of 1.5 gallons per minute per connection.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to conduct an inspection of the pressure tanks annually.
- 2* Date: 10/13/2014 (1307201) CN601582695
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 1Q2014 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 2014.
- 3* Date: 10/16/2014 (1307201) CN601582695
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 2013 - The system failed to provide the Consumer Confidence Report (CCR) for 2013 to its bill-paying customers and/or the TCEQ by July 1st of the following year.
- 4* Date: 11/17/2014 (1307201) CN601582695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: COMB RAD MCL PN 2Q2014 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 violation of the maximum contaminant level

for combined radium during the 2nd quarter of 2014.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: GA MCL PN 2Q2014 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 violation of the maximum contaminant level for gross alpha during the 2nd quarter of 2014.

5* Date: 02/05/2015 (1307201) CN601582695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: GA MCL PN 3Q2014 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 violation of the maximum contaminant level for gross alpha during the 3rd quarter of 2014.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: COMB RAD MCL PN 3Q2014 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 violation of the maximum contaminant level for combined radium during the 3rd quarter of 2014.

6* Date: 04/30/2015 (1307201) CN601582695
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 3Q2014 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 3rd quarter of 2014.

7* Date: 07/21/2015 (1254762) CN601582695
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
Description: Failure to flush all dead-end mains monthly.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ii)
Description: Failure to maintain copies of any public notice issued by the water system.

8* Date: 07/31/2015 (1307201) CN601582695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: COMB RAD MCL PN 4Q2014 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 violation of the maximum contaminant level for combined radium during the 4th quarter of 2014.

9 Date: 10/06/2015 (1307201) CN601582695
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 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

10 Date: 10/30/2015 (1307201) CN601582695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)

Description: TCR Routine MR Violation 08/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.

11 Date: 11/12/2015 (1307201) CN601582695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 09/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.

12 Date: 01/11/2016 (1307201) CN601582695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 10/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.

13 Date: 01/20/2016 (1307201) CN601582695
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 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2015 within the required timeline.

14 Date: 01/21/2016 (1307201) CN601582695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during 06/01/2013 to 09/30/2013.
*Can find monitoring period in comments of the violation in SDWIS. For reduced LCR schedules the monitoring period is always from June 1st to September 30th.

* NOV's applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

Appendix B

All Investigations Conducted During Component Period February 12, 2011 and February 12, 2016

Item 1	May 06, 2013**	(1059011)	For Informational Purposes Only
Item 2	January 14, 2014**	(1102802)	For Informational Purposes Only
Item 3	September 29, 2014**	(1191012)	For Informational Purposes Only
Item 4	January 28, 2016	(1307201)	For Informational Purposes Only
Item 5	January 29, 2016	(1307549)	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
VISTA VERDE WATER SYSTEMS,	§	
INC.	§	ENVIRONMENTAL QUALITY
RN101651925	§	

AGREED ORDER DOCKET NO. 2016-0259-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding VISTA VERDE WATER SYSTEMS, INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 18124 Breezy Drive near Montgomery, Montgomery County, Texas (the "Facility") that has approximately 36 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted from January 19, 2016 through January 29, 2016, it was documented that the Respondent did not collect routine distribution water samples for coliform analysis for the months of August, September and October of 2015.
3. During a record review conducted from January 19, 2016 through January 29, 2016, it was documented that the Respondent did not 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 each quarter for the third quarter of 2015.

4. During a record review conducted from January 19, 2016 through January 29, 2016, it was documented that the Respondent did not mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and did not submit to the TCEQ a copy of the consumer notification and certification that the consumer notification had been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the January 1, 2005 through December 31, 2013 monitoring period.
5. During a record review conducted from January 19, 2016 through January 29, 2016, it was documented that the Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year and did not submit 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 to the TCEQ for calendar years 2013 and 2014.
6. During a record review conducted from January 19, 2016 through January 29, 2016, it was documented that the Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to comply with the maximum contaminant level ("MCL") for combined radium for the second through fourth quarters of 2014 and for gross alpha particle activity for the second and third quarters of 2014.
7. During a record review conducted from January 19, 2016 through January 29, 2016, it was documented that the Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR for the first and third quarters of 2014.
8. During a record review conducted on February 16, 2016, it was documented that the Respondent did not pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13034 for calendar years 2002 through 2011.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On January 29, 2016, provided public notification and submitted a copy of the public notification to the Executive Director regarding the failure to comply with the MCL for combined radium for the second through fourth quarters of 2014 and for gross alpha particle activity for the second and third quarters of 2014.
 - b. On February 2, 2016, provided public notification and submitted a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR for the first and third quarters of 2014.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to collect routine distribution water samples for coliform analysis, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Finding of Fact No. 3, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
4. As evidenced by Finding of Fact No. 4, the Respondent failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification had been distributed to the persons served at the locations in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
5. As evidenced by Finding of Fact No. 5, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year and failed to submit 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).
6. As evidenced by Finding of Fact No. 6, the Respondent failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to comply with the MCL for combined radium and for gross alpha particle activity, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f).
7. As evidenced by Finding of Fact No. 7, the Respondent failed to timely provide public notification or submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
8. As evidenced by Finding of Fact No. 8, the Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13034, in violation of 30 TEX. ADMIN. CODE § 291.76 and TEX. WATER CODE § 5.702.
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess a penalty against the Respondent for violations of state statutes within the 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 \$1,484 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(b). The Respondent has paid the \$1,484 administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 10 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the 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 that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: VISTA VERDE WATER SYSTEMS, INC., Docket No. 2016-0259-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Submit payment for all outstanding regulatory assessment fees for TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13034. The payment, along with the associated Revenue and Regulatory Assessment Reports, shall be sent to the address listed in Ordering Provision No. 1;
 - ii. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
 - iii. Implement procedures to ensure all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - iv. 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;

- v. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the most recent monitoring period in which lead samples were collected, in accordance with 30 TEX. ADMIN. CODE § 290.117; and
 - vi. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the calendar year 2014 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.
- b. Within 45 days after the effective date of this Order:
- i. Submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.iii through 2.a.vi;
 - ii. Submit to the Commission a copy of the consumer notification provided to the persons served at the locations that were sampled and the certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements, as required by 30 TEX. ADMIN. CODE § 290.117. The sample copy of the consumer notification and the certification shall be mailed to the address provided in Ordering Provision No. 2.b.iii below; and
 - iii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:
- Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- c. Within 60 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.ii and 2.b.iii.

- d. Within 90 days after the effective date of this Order, 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. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-30870

- e. Within 225 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.ii; and
- f. Within 285 days after the effective date of this Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be signed by the 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. 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.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Ramon Gonzalez

For the Executive Director

8/19/16

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

Kevin Hester

Signature

5-19-2016

Date

Kevin Hester

Name (Printed or typed)
Authorized Representative of
VISTA VERDE WATER SYSTEMS, INC.

owner

Title

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

If mailing address has changed, please check this box and provide the new address below: