

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58136
WATER ASSOCIATION OF NORTH LAKE, INC.
RN101450047
Docket No. 2019-1148-PWS-E

Order Type:
Default Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
2094 Dove Creek Circle near Aubrey, Denton County

Type of Operation:
public water supply (“PWS”) provides water for human consumption.

Other Significant Matters:
Additional Pending Enforcement Actions: Yes; 2020-0772-MLM-E
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third-Parties: None

Texas Register Publication Date: July 5, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,640

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$1,640

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

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: March 4, 2019 through August 2, 2019

Date(s) of NOV(s): See Compliance History - 15 related NOVs

Date(s) of NOE(s): August 2, 2019

Violation Information

1. Failed to collect and report the results of cyanide, nitrate, and volatile organic chemical (“VOC”) contaminants sampling to the Executive Director for the January 1, 2018, through December 31, 2018 monitoring period [30 TEX. ADMIN. CODE §§ 290.106(c) and (e), and 290.107(c) and (e)].
2. Failed to submit a Disinfectant Level Quarterly Operating Report (“DLQOR”) to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2018 through the first quarter of 2019 [30 TEX. ADMIN. CODE § 2901.110(e)(4)(A) and (f)(3)].
3. Failed to provide public notification and submit a copy of the public notification, accompanied by a signed Certificate of Delivery, to the Executive Director regarding the failure to report the results of nitrate and VOC contaminants sampling to the Executive Director for the January 1, 2017 through December 31, 2017 monitoring period and regarding the failure to report the results of the synthetic organic chemical (“SOC”) Group 5 contaminants sampling to the Executive Director for the January 1, 2015 through December 21, 2017 monitoring period [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
4. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2016 through December 31, 2016 monitoring period [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
5. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12198 for calendar years 2015 through 2018 [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. Collect the required number of nitrate and VOC contaminant samples, have the samples analyzed, and report the results to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period;
 - b. Collect the required number of cyanide samples, have the samples analyzed, and report the results to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period;
 - c. Implement improvements to the Facility’s process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are collected, analyzed, and released by the Facility’s laboratories and timely reported to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first;
 - d. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established;
 - e. Update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of DLQORs;
 - f. Provide public notification and submit a copy of each public notification accompanied with a signed Certificate of Delivery to the Executive Director regarding the failure to report the

results of nitrate and VOC contaminants sampling to the Executive Director for the January 1, 2017 through December 31, 2017 monitoring period and regarding the failure to report the results of SOC Group 5 contaminants sampling to the Executive Director for the January 1, 2015 through December 31, 2017 monitoring period;

- g. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director;
 - h. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2016, through December 31, 2016, monitoring period. Submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements; and
 - i. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 12198 for calendar years 2015 through 2018.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirements No. 1.c. through 1.i.
 3. Within 90 days begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter.
 4. Within 105 days submit written certification to demonstrate compliance with Technical Requirement No. 3.
 5. Within 410 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. and 1.b.

Litigation Information

Date Petition(s) Filed: May 21, 2021; July 6, 2021
Date(s) of Service: unclaimed; July 14, 2021
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: David Keagle, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: Mason Demasi, Enforcement Division, (210) 657-8425
TCEQ Regional Contact: Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800
Respondent Contact: Michael Smith, Director, WATER ASSOCIATION OF NORTH LAKE, INC.,
25 Dove Creek Circle, Aubrey, Texas 76227
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	5-Aug-2019	Screening	13-Aug-2019	EPA Due	30-Jun-2019
	PCW	19-Aug-2019				

RESPONDENT/FACILITY INFORMATION

Respondent	WATER ASSOCIATION OF NORTH LAKE, INC.	
Reg. Ent. Ref. No.	RN101450047	
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	58136	No. of Violations	5
Docket No.	2019-1148-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samantha Duncan
		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	\$850
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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	93.0% Adjustment	Subtotals 2, 3, & 7	\$790
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Notes: Enhancement for six NOVs with the same/similar violations, nine NOVs with dissimilar violations, one agreed order containing denial of liability, and one default order.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$248
 Estimated Cost of Compliance \$680
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,640
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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	\$1,640
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,640
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,640
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Screening Date 13-Aug-2019

Docket No. 2019-1148-PWS-E

PCW

Respondent WATER ASSOCIATION OF NORTH LAKE, INC.

Policy Revision 4 (April 2014)

Case ID No. 58136

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101450047

Media Public Water Supply

Enf. Coordinator Samantha Duncan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	6	30%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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	1	25%
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%
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) 93%

>> 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 six NOVs with the same/similar violations, nine NOVs with dissimilar violations, one agreed order containing denial of liability, and one default order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 93%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 93%

Screening Date 13-Aug-2019

Docket No. 2019-1148-PWS-E

PCW

Respondent WATER ASSOCIATION OF NORTH LAKE, INC.

Policy Revision 4 (April 2014)

Case ID No. 58136

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101450047

Media Public Water Supply

Enf. Coordinator Samantha Duncan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.106(c) and (e) and 290.107(c) and (e)

Violation Description Failed to collect and report the results of cyanide, nitrate, and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Failure to collect and report the results of cyanide, nitrate and VOC contaminants sampling could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 3 Number of violation days 365

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event).

Violation Base Penalty \$450

Three annual events are recommended (one for each sample result).

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Effort (Extraordinary, Ordinary, N/A) and timing (Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer).

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 \$127

Violation Final Penalty Total \$869

This violation Final Assessed Penalty (adjusted for limits) \$869

Economic Benefit Worksheet

Respondent WATER ASSOCIATION OF NORTH LAKE, INC.
Case ID No. 58136
Reg. Ent. Reference No. RN101450047
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	Costs Saved	EB Amount
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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	\$100	4-Mar-2019	1-May-2020	1.16	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement process procedures, guidance, training and/or oversight to ensure that future drinking water sample results are collected, analyzed, and released by the Facility's laboratories and timely reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$117	31-Dec-2018	13-Aug-2019	0.62	\$4	\$117	\$121

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed chemical analysis samples (\$53.75 for cyanide, \$8.49 for nitrate, and \$55.12 for VOC contaminants), calculated from the date when sampling was required to the screening date.

Approx. Cost of Compliance

\$217

TOTAL

\$127

Screening Date 13-Aug-2019 **Docket No.** 2019-1148-PWS-E
Respondent WATER ASSOCIATION OF NORTH LAKE, INC.
Case ID No. 58136
Reg. Ent. Reference No. RN101450047
Media Public Water Supply
Enf. Coordinator Samantha Duncan

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	
<input type="text" value="100% of the rule requirements were not met."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent WATER ASSOCIATION OF NORTH LAKE, INC.
Case ID No. 58136
Reg. Ent. Reference No. RN101450047
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	Costs Saved	EB Amount
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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	4-Mar-2019	1-May-2020	1.16	\$3	n/a	\$3
Training/Sampling	\$100	4-Mar-2019	1-May-2020	1.16	\$6	n/a	\$6
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 system and training/sampling 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.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$90	10-Apr-2019	13-Aug-2019	0.34	\$2	\$90	\$92
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x four reports + \$2 interest that began accruing from the due date of the earliest DLQOR), calculated from the date the last report was due to the screening date.

Approx. Cost of Compliance

\$235

TOTAL

\$101

Screening Date 13-Aug-2019

Docket No. 2019-1148-PWS-E

PCW

Respondent WATER ASSOCIATION OF NORTH LAKE, INC.

Policy Revision 4 (April 2014)

Case ID No. 58136

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101450047

Media Public Water Supply

Enf. Coordinator Samantha Duncan

Violation Number 3

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

Violation Description

Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to report the results of nitrate and VOC contaminants sampling to the Executive Director for the January 1, 2017 through December 31, 2017 monitoring period and regarding the failure to report the results of synthetic organic chemical ("SOC") Group 5 contaminants sampling to the Executive Director for the January 1, 2015 through December 31, 2017 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3 130 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

Three 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	

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$290

This violation Final Assessed Penalty (adjusted for limits) \$290

Economic Benefit Worksheet

Respondent WATER ASSOCIATION OF NORTH LAKE, INC.
Case ID No. 58136
Reg. Ent. Reference No. RN101450047
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	Costs Saved	EB Amount
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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	\$100	4-Mar-2019	1-May-2020	1.16	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$75	10-Jan-2019	1-May-2020	1.31	\$5	n/a	\$5

Notes for DELAYED costs

The training/sampling delayed cost includes 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 other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public notifications (\$25 per notification x three notifications) are provided to persons served by the Facility and a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the earliest public notification to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$175

TOTAL

\$11

Screening Date 13-Aug-2019 **Docket No.** 2019-1148-PWS-E
Respondent WATER ASSOCIATION OF NORTH LAKE, INC.
Case ID No. 58136
Reg. Ent. Reference No. RN101450047
Media Public Water Supply
Enf. Coordinator Samantha Duncan

PCW
Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.117(i)(6) and (j)
Violation Description
 Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2016 through December 31, 2016 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%
100% of the rule requirements were not met.					

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 955 Number of violation days

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

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 \$9

Violation Final Penalty Total \$97

This violation Final Assessed Penalty (adjusted for limits) \$97

Economic Benefit Worksheet

Respondent WATER ASSOCIATION OF NORTH LAKE, INC.
Case ID No. 58136
Reg. Ent. Reference No. RN101450047
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$53	31-Dec-2016	1-May-2020	3.33	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare the mail the consumer notification for the January 1, 2016 through December 31, 2016 monitoring period to persons served at the locations which were sampled and to the TCEQ (($\$0.50 \times$ five sampled location + $\$50$) \times one monitoring period), calculated from the date the consumer notification was due to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$53

TOTAL

\$9

Screening Date 13-Aug-2019 **Docket No.** 2019-1148-PWS-E
Respondent WATER ASSOCIATION OF NORTH LAKE, INC.
Case ID No. 58136
Reg. Ent. Reference No. RN101450047
Media Public Water Supply
Enf. Coordinator Samantha Duncan

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
<input type="text"/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent WATER ASSOCIATION OF NORTH LAKE, INC.
Case ID No. 58136
Reg. Ent. Reference No. RN101450047
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	Costs Saved	EB Amount
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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 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				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.



TCEQ Compliance History Report

Compliance History Report for CN600636500, RN101450047, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600636500, WATER ASSOCIATION OF NORTH LAKE, INC. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN101450047, WATER ASSOCIATION OF NORTH LAKE **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 2094 DOVE CREEK CIRCLE NEAR AUBREY, DENTON COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0610171 **WATER LICENSING LICENSE** 0610171

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: September 23, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 23, 2014 to September 23, 2019

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

Name: Sam Duncan

Phone: (512) 239-2511

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

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

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 01/25/2015 ADMINORDER 2014-0863-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2013 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2013 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2013 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

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

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 1Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 1st quarter of 2013.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 2nd quarter of 2013.

Classification: Moderate

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

Description: ASB MR 9Y2013 - The system failed to monitor and/or report asbestos levels to the TCEQ for the 9 year monitoring period from 01/01/2005 to 12/31/2013 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2011 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2011 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2011 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2012 within the required timeline.

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 2009 - The system failed to provide the Consumer Confidence Report (CCR) for 2009 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

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 2010 - The system failed to provide the Consumer Confidence Report (CCR) for 2010 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

2 Effective Date: 07/01/2019 ADMINORDER 2017-0471-MLM-E (Findings Order-Default)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to provide a thorough and up-to-date plant operations manual for operator review and reference.

Classification: Moderate

Citation: 2B TWC Chapter 11, SubChapter A 11.1272(c)
30 TAC Chapter 288, SubChapter B 288.20(a)
30 TAC Chapter 288, SubChapter C 288.30(5)(B)

Description: to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure 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.

Classification: Moderate

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

Description: Failure to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.

Classification: Minor

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

Description: Failure to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Rqmt Prov: Agreed Order Docket # 2010-0413-PWS-E ORDER

Description: Failure to maintain the Facility's ground storage tank in strict accordance with current American Water Works Association ("AWWA") standards.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iv)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Agreed Order Docket # 2010-0413-PWS-E ORDER

Description: Failure to provide a pressure tank capacity of 20 gallons per connection.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51(a)(6)

Description: Failed to pay Public Health Service Fees and associated late fees for TCEQ Financial Administration Account No. 90610171 for Fiscal Years 2016 and 2017.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

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: 10/02/2018 (1581057)

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(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2018 within the required timeline.

2 Date: 11/06/2018 (1581057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 08/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

3 Date: 12/04/2018 (1581057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 09/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

4 Date: 01/07/2019 (1581057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 10/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

5 Date: 01/10/2019 (1581057)
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(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2018 within the required timeline.

6 Date: 01/29/2019 (1581057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 11/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

7 Date: 03/04/2019 (1581057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)

40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)

Description: 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
RTCR Routine MR Violation 12/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

8 Date: 03/18/2019 (1581057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 01/2019 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

9 Date: 03/22/2019 (1581057)
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(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2018 within the required timeline.

10 Date: 04/09/2019 (1581057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 02/2019 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

11 Date: 05/09/2019 (1581057)
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: NO3 MR PN YR2017 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 nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2017 to 12/31/2017.

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: VOC MR PN YR2017 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 volatile organic contaminants monitoring and reporting violation for the annual monitoring period from 01/01/2017 to 12/31/2017.

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: SOC Group SOC5 MR PN 3YR2017 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 synthetic organic contaminants (group SOC5) monitoring and reporting violation for the triennial monitoring period from 01/01/2015 to 12/31/2017.

12 Date: 05/13/2019 (1581057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)

30 TAC Chapter 290, SubChapter F 290.109(g)(5)

40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)

Description: RTCR Routine MR Violation 03/2019 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

- 13 Date: 05/30/2019 (1581057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: CN MR YR2018 - The system failed to monitor and/or report cyanide levels to the TCEQ for the annual monitoring period from 01/01/2018 to 12/31/2018 within the required timeline.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO3 MR YR2018 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2018 to 12/31/2018 within the required timeline.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(c)(2)
30 TAC Chapter 290, SubChapter F 290.107(e)
Description: VOC MR YR2018 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2018 to 12/31/2018 within the required timeline.
- 14 Date: 06/24/2019 (1581057)
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(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2019 within the required timeline.
- 15 Date: 07/12/2019 (1581057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 04/2019 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WATER ASSOCIATION OF NORTH
LAKE, INC.;
RN101450047

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2019-1148-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 ch 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(s). The respondent made the subject of this Order is WATER ASSOCIATION OF NORTH LAKE, INC. ("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 ("PWS") located at 2094 Dove Creek Circle near Aubrey, Denton County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 17 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71) (2019) (current version at 30 TEX. ADMIN. CODE § 290.38(73) (2023)).
2. During a record review conducted on March 4, 2019 through August 2, 2019, an investigator documented that Respondent:
 - a. Failed to collect and report the results of cyanide, nitrate, and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period;
 - b. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2018 through the first quarter of 2019;
 - c. Failed to provide public notification and submit a copy of the public notification, accompanied by a signed Certificate of Delivery, to the Executive Director regarding the failure to report the results of nitrate and VOC contaminant sampling to the Executive Director for the January 1, 2017 through December 31, 2017 monitoring period and regarding the failure to report the results of the synthetic organic chemical ("SOC") Group 5 contaminants sampling to the Executive Director for the January 1, 2015 through December 21, 2017 monitoring period;
 - d. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2016 through December 31, 2016 monitoring period;

- e. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12198 for calendar years 2015 through 2018;
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 WATER ASSOCIATION OF NORTH LAKE, INC.” (the “EDPRP”) in the TCEQ Chief Clerk’s office on May 21, 2021.
4. The EDPRP was mailed to Respondent’s last known address on May 21, 2021, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.”
5. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk’s office on July 6, 2021.
6. By letter dated July 6, 2021, sent to Respondent’s last known address via certified mail, return receipt requested, and via first class mail, 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 unclaimed; July 14, 2021, as evidenced by the signature on the card.
7. 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 collect and report the results of cyanide, nitrate, and VOC contaminants sampling to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period, in violation of 30 TEX. ADMIN. CODE §§ 290.106(c) and (e), and 290.107(c) and (e).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2018 through the first quarter of 2019, in violation of 30 TEX. ADMIN. CODE § 2901.110(e)(4)(A) and (f)(3).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide public notification and submit a copy of the public notification, accompanied by a signed Certificate of Delivery, to the Executive Director regarding the failure to report the results of nitrate and VOC contaminant sampling to the Executive Director for the January 1, 2017 through December 31, 2017 monitoring period and regarding the failure to report the results of the SOC Group 5 contaminants sampling to the Executive Director for the January 1, 2015 through December 21, 2017 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2016 through December 31, 2016 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).

6. As evidenced by Finding of Fact No. 2.e., Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12198 for calendar years 2015 through 2018, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76.
7. As evidenced by Findings of Fact Nos. 4 through 6, 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).
8. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of \$1,640 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).
11. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$1,640 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: WATER ASSOCIATION OF NORTH LAKE, INC.; Docket No. 2019-1148-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. Collect the required number of nitrate and VOC contaminant samples, have the samples analyzed, and report the results to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 and 290.107. This provision will be satisfied upon the timely delivery of all nitrate and VOC sampling results to the Executive Director for one compliant annual monitoring period;
 - ii. Collect the required number of cyanide samples, have the samples analyzed, and report the results to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.106. This provision will be satisfied upon the timely delivery of all nitrate and VOC sampling results to the Executive Director for one compliant annual monitoring period;
 - iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are collected, analyzed, and released by the Facility's laboratories and timely reported to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the required monitoring period, whichever is first, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 and 290.107;
 - iv. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 and 290.107;
 - v. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - vi. Provide public notification and submit a copy of each public notification accompanied with a signed Certificate of Delivery to the Executive Director regarding the failure to report the results of nitrate and VOC contaminants sampling to the Executive Director for the January 1, 2017 through December 31, 2017 monitoring period and regarding the failure to report the results of SOC Group 5 contaminants sampling to the Executive Director for the January 1, 2015 through December 31, 2017 monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - vii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;

- viii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2016, through December 31, 2016, monitoring period. Submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117; and
- ix. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 12198 for calendar years 2015 through 2018. The payment, along with the associate Revenue and Regulatory Assessment Reports, shall be sent 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
- b. Within 45 days after the effective date of this Order, submit written certification in accordance with Ordering Provision No. 3.g, to demonstrate compliance with Ordering Provision Nos. 3.a.iii. through 3.a.ix.
- c. 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 one quarter 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 78711-3087
- d. Within 105 days after the effective date of this Order, submit written certification in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provision No. 3.c.
- e. Within 410 days after the effective date of this Order, submit written certification in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii.
- f. 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.”

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

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

and:

Section Manager, Public Drinking Water
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. 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.
9. 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.
10. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF DAVID C. KEAGLE

"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 WATER ASSOCIATION OF NORTH LAKE, INC." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 21, 2021.

The EDPRP was mailed to Respondent's last known address on May 21, 2021, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on July 6, 2021.

The EDPRP was mailed to Respondent's last known address on July 6, 2021, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on; July 14, 2021, 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."

"My name is David C. Keagle, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,
State of Texas,
on this 24th day of May, 2024

A handwritten signature in blue ink that reads "David C. Keagle".

Declarant