

Executive Summary – Enforcement Matter – Case No. 49546
TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION
RN101398733 and RN101399228
Docket No. 2020-0376-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Tri County Point Water System 3, 14 County Road 480, Palacios, Jackson County;
Tri County Point Water System 4, located approximately 936 feet east of Porpoise Drive
on Sea Horse Drive near Palacios, Jackson 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: August 6, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$53,873

Amount Deferred for Financial Inability to Pay: \$50,273

Confidential information, which may include financial or medical information,
has been provided to the Commission for their consideration.

Total Paid to General Revenue: \$100

Total Due to General Revenue: \$3,500

Payment Plan: 35 payments of \$100 each

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49546
TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION
RN101398733 and RN101399228
Docket No. 2020-0376-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 3, 2019 through December 18, 2019

Date(s) of NOE(s): February 7, 2020

Violation Information

1. Failed to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.c.ii].
2. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.c.i].
3. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iv), (f)(3)(B)(v), (f)(3)(D)(ii), and (f)(3)(E)(iv) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.a.i].
4. Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exists [30 TEX. ADMIN. CODE § 290.46(j)].
5. Failed to adopt an adequate plumbing ordinance, regulations, or service agreements with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].
6. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
7. Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or backflow prevention assembly, as identified in 30 TEX. ADMIN. CODE § 290.47(f) [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].

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8. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iv), (f)(3)(B)(v), and (f)(3)(D)(ii)].
9. Failed to complete a CSI certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exists [30 TEX. ADMIN. CODE § 290.46(j)].
10. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
11. Failed to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
12. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
13. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connection nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On December 18, 2019 the Respondent disconnected and removed the hose and capped the potable waterline at the System 3 wastewater treatment plant.

Technical Requirements:

The Order will require the Respondent to:

1. The Respondent shall undertake the following technical requirements at System 3:
 - a. Within 30 days:
 - i. Compile and maintain properly completed water works operation and maintenance records, including records for the dates that dead-end mains were flushed, backflow prevention device programs, results of inspections for all pressure maintenance facilities and copies of the CSI reports;

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TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION
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Docket No. 2020-0376-PWS-E

ii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; and

iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that CSI certificates are completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 90 days:

i. Complete CSI certificates for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist; and

ii. 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.

d. Within 105 days, submit written certification to demonstrate compliance with c.

e. Within 180 days:

i. Provide a total storage capacity of at least 200 gallons per connection; and

ii. Provide two or more service pumps having a total capacity of at least 2.0 gpm per connection.

f. Within 195 days, submit written certification to demonstrate compliance with e.

2. The Respondent shall undertake the following technical requirements at System 4:

a. Within 30 days:

i. Compile and maintain properly completed water works operation and maintenance records, including records for the dates that dead-end mains were flushed, backflow prevention device programs and the results of inspections for all pressure maintenance facilities;

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TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION
RN101398733 and RN101399228
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ii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; and

iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that CSI certificates are completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 90 days:

i. Complete CSI certificates for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist; and

ii. 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.

d. Within 105 days, submit written certification to demonstrate compliance with c.

e. Within 180 days:

i. Provide a total storage capacity of at least 200 gallons per connection; and

ii. Provide two or more service pumps having a total capacity of at least 2.0 gpm per connection.

f. Within 195 days, submit written certification to demonstrate compliance with e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Aaron Vincent, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-0855; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Cynthia Morrison, President of the Board of Directors, TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION, 14 County Road 480, Palacios, Texas 77465

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	2-Mar-2020		
	PCW	4-Mar-2020	Screening	4-Mar-2020
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Reg. Ent. Ref. No.	RN101398733
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49546	No. of Violations	2
Docket No.	2020-0376-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Aaron Vincent
		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	\$15,600
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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	70.0%	Adjustment	Subtotals 2, 3, & 7	\$10,920
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Notes: Enhancement for one agreed order containing a denial of liability and two agreed orders without a denial of liability.

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: \$28,172
 Estimated Cost of Compliance: \$67,350
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$26,520
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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	\$26,520
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$26,520
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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	\$26,520
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Screening Date 4-Mar-2020

Docket No. 2020-0376-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)

Case ID No. 49546

Reg. Ent. Reference No. RN101398733

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

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>)	0	0%
	Other written NOVs	0	0%
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	2	50%
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) 70%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date 4-Mar-2020

Docket No. 2020-0376-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Case ID No. 49546
Reg. Ent. Reference No. RN101398733

Media Public Water Supply
Enf. Coordinator Aaron Vincent

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii), Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.c.ii

Violation Description Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 145 connections requiring a total storage capacity of 29,000 gallons. However, none was provided, indicating a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to provide adequate storage capacity could expose persons served by the Facility to contaminants that would exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 52 1577 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,800

Fifty-two monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2014-1590-PWS-E, May 7, 2015, to the end date of the PCW revision, August 31, 2019.

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 \$7,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26,080 Violation Final Penalty Total \$13,260

This violation Final Assessed Penalty (adjusted for limits) \$13,260

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
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)	\$62,350	7-May-2015	26-Apr-2021	5.98	\$1,242	\$24,838	\$26,080
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a total storage capacity of at least 200 gallons per connection (\$2.15 x 29,000 gallons), calculated from the effective date of TCEQ Agreed Order Docket No. 2014-1590-PWS-E 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

\$62,350

TOTAL

\$26,080

Screening Date 4-Mar-2020 **Docket No.** 2020-0376-PWS-E
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
Media Public Water Supply
Enf. Coordinator Aaron Vincent

PCW

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

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii), Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.c.i
Violation Description Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, the Facility had 145 connections requiring a service pump capacity of 290 gpm. However, no service pumps were provided, indicating a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to provide adequate service pump capacity could expose persons served by the Facility to contaminants that would exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 52 1577 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,800

Fifty-two monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2014-1590-PWS-E, May 7, 2015, to the end date of the PCW revision, August 31, 2019.

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 \$7,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,092

Violation Final Penalty Total \$13,260

This violation Final Assessed Penalty (adjusted for limits) \$13,260

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
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	\$5,000	7-May-2015	26-Apr-2021	5.98	\$100	\$1,992	\$2,092
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide two or more service pumps with a total capacity of at least 2.0 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2014-1590-PWS-E 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

\$5,000

TOTAL

\$2,092



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	2-Mar-2020			
	PCW	4-Mar-2020	Screening	4-Mar-2020	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Reg. Ent. Ref. No.	RN101398733
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49546	No. of Violations	7
Docket No.	2020-0376-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Aaron Vincent
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,850
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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	70.0%	Adjustment	Subtotals 2, 3, & 7	\$8,295
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Notes: Enhancement for one agreed order containing a denial of liability and two agreed orders without a denial of liability.

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	-\$187
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$165
 Estimated Cost of Compliance: \$975
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,958
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Notes: Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount	\$19,958
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$19,958
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$19,958
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Screening Date 4-Mar-2020

Docket No. 2020-0376-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Case ID No. 49546

Reg. Ent. Reference No. RN101398733

Media Public Water Supply

Enf. Coordinator Aaron Vincent

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>)	0	0%
	Other written NOVs	0	0%
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	2	50%
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) 70%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date 4-Mar-2020

Docket No. 2020-0376-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

Case ID No. 49546

Reg. Ent. Reference No. RN101398733

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Violation Number 1

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

Violation Description Failed to adopt an adequate plumbing ordinance, regulations, or service agreements with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, the Customer Service Agreement form lacked provisions for proper enforcement to ensure that unacceptable plumbing practices are not permitted.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 92

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 \$2

Violation Final Penalty Total \$85

This violation Final Assessed Penalty (adjusted for limits) \$85

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
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				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)	\$40	3-Dec-2019	26-Jan-2021	1.15	\$2	n/a	\$2

Notes for DELAYED costs

The delayed cost includes the estimated amount to adopt an adequate plumbing ordinance or service agreement, calculated from the investigation 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40

TOTAL

\$2

Screening Date 4-Mar-2020 **Docket No.** 2020-0376-PWS-E
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
Media Public Water Supply
Enf. Coordinator Aaron Vincent

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)
Violation Description Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 92 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9 **Violation Final Penalty Total** \$425

This violation Final Assessed Penalty (adjusted for limits) \$425

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	3-Dec-2019	27-Nov-2020	0.99	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the investigation 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$9

Screening Date 4-Mar-2020 **Docket No.** 2020-0376-PWS-E
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
Media Public Water Supply
Enf. Coordinator Aaron Vincent

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(1)(A)
Violation Description Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or backflow prevention assembly, as identified in 30 Tex. Admin. Code § 290.47(f). Specifically, the Respondent drilled into a capped potable waterline and connected a water hose. Furthermore, the hose was laying on the ground providing a potential indirect cross-connection at the wastewater treatment plant.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to have additional protections may allow backflow and siphonage to occur resulting in persons served by the Facility being exposed to contaminants that would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 15 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$750

One monthly event is recommended, calculated from the December 3, 2019 investigation date to the December 18, 2019 compliance date.

Good Faith Efforts to Comply

25.0% Reduction \$187

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance on December 18, 2019.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 **Violation Final Penalty Total** \$1,088

This violation Final Assessed Penalty (adjusted for limits) \$1,088

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
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	\$30	3-Dec-2019	18-Dec-2019	0.04	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated cost for a PVC line repair of the potable waterline, calculated from the investigation date to the compliance date.

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 \$30

TOTAL \$0

Screening Date 4-Mar-2020 **Docket No.** 2020-0376-PWS-E
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
Media Public Water Supply
Enf. Coordinator Aaron Vincent

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii), Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.c.ii
Violation Description Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 145 connections requiring a total storage capacity of 29,000 gallons. However, none was provided, indicating a 100% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to provide adequate storage capacity could expose persons served by the Facility to contaminants that would exceed levels that are protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 7 185 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,250

Seven monthly events are recommended, calculated from the effective date of this PCW revision, September 1, 2019, to the screening date, March 4, 2020.

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 \$5,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$8,925

This violation Final Assessed Penalty (adjusted for limits) \$8,925

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
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
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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

The delayed cost for providing adequate total storage capacity is captured in Violation No. 1 of PCW No. 1.

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

\$0

TOTAL

\$0

Screening Date 4-Mar-2020
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-0376-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii), Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.c.i

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, the Facility had 145 connections requiring a service pump capacity of 290 gpm. However, no service pumps were provided, indicating a 100% deficiency.

Base Penalty \$5,000

>> 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 provide adequate service pump capacity could expose persons served by the Facility to contaminants that would exceed levels that are protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 7 185 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,250

Seven monthly events are recommended, calculated from the effective date of this PCW revision, September 1, 2019, to the screening date, March 4, 2020.

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 \$5,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$8,925

This violation Final Assessed Penalty (adjusted for limits) \$8,925

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

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

Notes for DELAYED costs

The delayed cost for providing adequate service pump capacity is captured in Violation No. 2 of PCW No. 1.

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 \$0

TOTAL \$0

Screening Date 4-Mar-2020
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-0376-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(iv), (f)(3)(B)(v), (f)(3)(D)(ii), and (f)(3)(E)(iv) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.a.i

Violation Description

Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records for the dates that dead-end mains were flushed, backflow prevention device programs, the results of inspections for all pressure maintenance facilities and copies of the Customer Service Inspection ("CSI") reports were not maintained on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Less than 30% of the rule requirements were not met.					

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 92 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 EDRP/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 \$13

Violation Final Penalty Total \$85

This violation Final Assessed Penalty (adjusted for limits) \$85

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
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	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	7-May-2015	27-Nov-2020	5.56	\$13	n/a	\$13
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2014-1590-PWS-E 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 \$45

TOTAL \$13

Screening Date 4-Mar-2020 **Docket No.** 2020-0376-PWS-E
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
Media Public Water Supply
Enf. Coordinator Aaron Vincent

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 7

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

Violation Description
 Failed to complete a CSI certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exists. Specifically, the Respondent did not have CSI certificates completed at new connections.

Base Penalty \$5,000

>> 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 \$4,750

\$250

Violation Events

Number of Violation Events 1 92 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$141

Violation Final Penalty Total \$425

This violation Final Assessed Penalty (adjusted for limits) \$425

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 3)
Case ID No. 49546
Reg. Ent. Reference No. RN101398733
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	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	\$180	19-Oct-2016	26-Jan-2021	4.27	\$38	n/a	\$38
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)	\$500	19-Oct-2016	27-Nov-2020	4.11	\$103	n/a	\$103

Notes for DELAYED costs

The Record Keeping System delayed cost includes the estimated amount to complete CSI certificates at all locations where a cross-connection or potential contamination hazard may exist, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

The Other (as needed) delayed cost includes the estimated amount to implement a CSI program to ensure that all service connections are properly inspected, calculated from the date of the investigation initially documenting the violation 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 \$680

TOTAL \$141



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	10-Feb-2020	Screening	18-Feb-2020	EPA Due	
	PCW	25-Feb-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Reg. Ent. Ref. No.	RN101399228
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49546	No. of Violations	6
Docket No.	2020-0376-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Aaron Vincent
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,100
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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	45.0%	Adjustment	Subtotals 2, 3, & 7	\$2,295
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Notes: Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

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: \$4,042
 Estimated Cost of Compliance: \$40,775
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,395
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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	\$7,395
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,395
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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	\$7,395
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Screening Date 18-Feb-2020**Docket No.** 2020-0376-PWS-E**PCW****Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)

Policy Revision 4 (April 2014)

Case ID No. 49546

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101399228**Media** Public Water Supply**Enf. Coordinator** Aaron Vincent**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>)	0	0%
	Other written NOVs	0	0%
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) 45%**>> Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%**>> Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%**>> Compliance History Summary****Compliance History Notes**

Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%**>> Final Compliance History Adjustment****Final Adjustment Percentage *capped at 100%** 45%

Screening Date 18-Feb-2020

Docket No. 2020-0376-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

Case ID No. 49546

Reg. Ent. Reference No. RN101399228

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)

Violation Description Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 77

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$363

This violation Final Assessed Penalty (adjusted for limits) \$363

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	3-Dec-2019	27-Nov-2020	0.99	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the investigation 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$9

Screening Date 18-Feb-2020 **Docket No.** 2020-0376-PWS-E
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
Media Public Water Supply
Enf. Coordinator Aaron Vincent

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 81 connections requiring a total storage capacity of 16,200 gallons. However, none was provided, indicating a 100% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to provide adequate storage capacity could expose persons served by the Facility to contaminants that would exceed levels that are protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 77 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the December 3, 2019 investigation date to the February 18, 2020 screening date.

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 \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,406

Violation Final Penalty Total \$3,263

This violation Final Assessed Penalty (adjusted for limits) \$3,263

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$34,830	3-Dec-2019	26-Apr-2021	1.40	\$162	\$3,244	\$3,406
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a total storage capacity of at least 200 gallons per connection (\$2.15 x 16,200 gallons), calculated from the investigation 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$34,830

TOTAL

\$3,406

Screening Date 18-Feb-2020 **Docket No.** 2020-0376-PWS-E
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
Media Public Water Supply
Enf. Coordinator Aaron Vincent

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, the Facility had 81 connections requiring a service pump capacity of 162 gpm. However, no service pumps were provided, indicating a 100% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Failure to provide adequate service pump capacity could expose persons served by the Facility to contaminants that would exceed levels that are protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 77 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the December 3, 2019 investigation date to the February 18, 2020 screening date.

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 \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$489

Violation Final Penalty Total \$3,263

This violation Final Assessed Penalty (adjusted for limits) \$3,263

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment	\$5,000	3-Dec-2019	26-Apr-2021	1.40	\$23	\$466	\$489
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide two or more service pumps with a total capacity of at least 2.0 gpm per connection, calculated from the investigation 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)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$5,000

TOTAL \$489

Screening Date 18-Feb-2020 **Docket No.** 2020-0376-PWS-E
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
Media Public Water Supply
Enf. Coordinator Aaron Vincent

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.46(i)
Violation Description Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connection nor other unacceptable plumbing practices are permitted. Specifically, the Customer Service Agreement form lacked provisions for proper enforcement to ensure that unacceptable plumbing practices are not permitted.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	
Less than 30% of the rule requirements were not met.					

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 77 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 \$2 **Violation Final Penalty Total** \$73

This violation Final Assessed Penalty (adjusted for limits) \$73

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
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)	\$40	3-Dec-2019	26-Jan-2021	1.15	\$2	n/a	\$2

Notes for DELAYED costs

The delayed cost includes the estimated amount to adopt an adequate plumbing ordinance or service agreement, calculated from the investigation 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40

TOTAL

\$2

Screening Date 18-Feb-2020 **Docket No.** 2020-0376-PWS-E
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
Media Public Water Supply
Enf. Coordinator Aaron Vincent

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(iv), (f)(3)(B)(v), and (f)(3)(D)(ii)
Violation Description Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records for the dates that dead-end mains were flushed, backflow prevention device programs and the results of inspections for all pressure maintenance facilities were not maintained on-site for review.

Base Penalty \$5,000

>> 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	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 77 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 \$8 **Violation Final Penalty Total** \$73

This violation Final Assessed Penalty (adjusted for limits) \$73

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	14-Mar-2017	27-Nov-2020	3.71	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation initially documenting the violation 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

\$45

TOTAL

\$8

Screening Date 18-Feb-2020 **Docket No.** 2020-0376-PWS-E
Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
Media Public Water Supply
Enf. Coordinator Aaron Vincent

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 290.46(j)
Violation Description Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exists. Specifically, the operator stated that there were new homes built in the previous three years; however, CSI certificates were not completed.

Base Penalty \$5,000

>> 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 \$4,750

\$250

Violation Events

Number of Violation Events 1 84 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$128 **Violation Final Penalty Total** \$363

This violation Final Assessed Penalty (adjusted for limits) \$363

Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (Tri County Point Water System 4)
Case ID No. 49546
Reg. Ent. Reference No. RN101399228
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	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	\$180	14-Mar-2017	26-Jan-2021	3.87	\$35	n/a	\$35
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)	\$500	14-Mar-2017	27-Nov-2020	3.71	\$93	n/a	\$93

Notes for DELAYED costs

The Record Keeping System delayed cost includes the estimated amount to complete CSI certificates at all locations where a cross-connection or potential contamination hazard may exist, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

The Other (as needed) delayed cost includes the estimated amount to implement a CSI program to ensure that all service connections are properly inspected, calculated from the date of the investigation initially documenting the violation 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 \$680

TOTAL \$128

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600622823, RN101398733, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600622823, TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION **Classification:** SATISFACTORY **Rating:** 38.55

Regulated Entity: RN101398733, Tri County Point Water System 3 **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 14 County Road 480 in Palacios, Jackson County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1200028

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

Date Compliance History Report Prepared: February 27, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 27, 2015 to February 27, 2020

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

Name: Marla Waters

Phone: (512) 239-4712

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: 05/07/2015 ADMINORDER 2014-1590-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failed to properly cover the hypochlorination solution container to prevent the entrance of contaminants. Specifically, there was a hole in the top of the hypochlorination solution container.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, records of the verification of the disinfectant residual analyzer and inspections for the pressure tanks were not being maintained.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failed to properly verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations. Specifically, the chlorine solutions being used to verify the accuracy of the meter were expired.

Classification: Moderate

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

Description: Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, the disinfectant residual was being measured at the same location several times before rotating to the next sample site.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, with 99 connections the Facility must provide at least two service pumps with a capacity of 198 gpm. At the time of the investigation, no service pumps were provided, which is a 100% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a total storage capacity of 200 gallons per connection. Specifically, with 99 connections the Facility must provide a total storage capacity of 19,800 gallons. At the time of the investigation, no storage was provided which is a 100% deficiency.

Classification: Minor

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

Description: Failed to maintain all distribution system lines, storage and pressure maintenance facilities, water treatment units, and all related appurtenances in a watertight condition. Specifically, there was a small leak coming from the access hatch on the pressure tank at the section 3 well site.

2 Effective Date: 01/31/2018 ADMINORDER 2016-1386-PWS-E (Findings Order-Agreed Order Without 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 1Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2016 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 4Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2015 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 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.

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 the six-month monitoring period from 07/01/2015 to 12/31/2015.

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 the six-month monitoring period from 01/01/2015 to 06/30/2015.

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 3Q2015 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 2015.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR IN MR PN 2nd 6M2014 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 distribution initial lead and copper monitoring and reporting violation for the six-month monitoring period from 07/01/2014 to 12/31/2014.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR IN MR PN 1st 6M2014 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 distribution initial lead and copper monitoring and reporting violation for the six-month monitoring period from 01/01/2014 to 06/30/2014.

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 4Q2015 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 4th quarter of 2015.

- 3 Effective Date: 04/26/2019 ADMINORDER 2018-0699-PWS-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
- Description: CY MR 3Y2017 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
- Description: SOC 504, 531, Group SOC5 MR 4Q2017 - The system failed to monitor and/or report synthetic organic contaminants (method Group SOC5, 504, 531) levels to the TCEQ for the quarterly monitoring period from 10/01/2017 to 12/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
- Description: SOC MR 3Q2017 - The system failed to monitor and/or report synthetic organic contaminants levels to the TCEQ for the quarterly monitoring period from 07/01/2017 to 09/30/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
- Description: SOC MR 2Q2017 - The system failed to monitor and/or report synthetic organic contaminants levels to the TCEQ for the quarterly monitoring period from 04/01/2017 to 06/30/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
- Description: MTL/MIN MR YR2017 - The system failed to monitor and/or report metal/mineral levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
- Description: NO3 MR YR2017 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
- Description: RAD MR YR2017 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
- Description: SOC 515, Group SOC5 MR 1Q2017 - The system failed to monitor and/or report synthetic organic contaminants (method 515, Group SOC5) levels to the TCEQ for the quarterly monitoring period from 01/01/2017 to 03/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
- Description: VOC MR 4Q2017 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the quarterly monitoring period from 10/01/2017 to 12/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
- Description: VOC MR 3Q2017 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the quarterly monitoring period from 07/01/2017 to 09/30/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(1)
- Description: DBP2 MR YR2017 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017.
- 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 2016 - The system failed to provide the Consumer Confidence Report (CCR) for 2016 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: SOC 515, Group SOC5 MR PN 1Q2017 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, method 515)

monitoring and reporting violation for the quarterly monitoring period from 01/01/2017 to 03/31/2017.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 31, 2019	(1540650)
Item 2	December 19, 2019	(1617343)

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.

N/A

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

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Compliance History Report

Compliance History Report for CN600622823, RN101399228, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600622823, TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION **Classification:** SATISFACTORY **Rating:** 38.55

Regulated Entity: RN101399228, Tri County Point Water System 4 **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: approximately 936 feet east of Porpoise Drive on Sea Horse Drive near Palacios, Jackson County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1200029

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

Date Compliance History Report Prepared: February 18, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 18, 2015 to February 18, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Marla Waters **Phone:** (512) 239-4712

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: 05/07/2015 ADMINORDER 2014-1590-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)
Description: Failed to properly cover the hypochlorination solution container to prevent the entrance of contaminants. Specifically, there was a hole in the top of the hypochlorination solution container.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
Description: Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, records of the verification of the disinfectant residual analyzer and inspections for the pressure tank were not being maintained.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failed to properly verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations. Specifically, the chlorine solutions being used to verify the accuracy of the meter were expired.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
Description: Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, the disinfectant residual was being measured at the same location several times before rotating to the next sample site.
Classification: Moderate

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

Description: Failed to provide a total storage capacity of 200 gallons per connection. Specifically, with 60 connections the Facility must provide a total storage capacity of 12,000 gallons. At the time of the investigation, no storage was provided which is a 100% deficiency.

Classification: Moderate

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

Description: Failed to provide two or more pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, with 60 connections the Facility must provide at least two service pumps with a capacity of 120 gpm. At the time of the investigation, no service pumps were provided, which is a 100% deficiency.

- 2 Effective Date: 04/26/2019 ADMINORDER 2018-0699-PWS-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
- Description: CY MR 3Y2017 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
- Description: NO3 MR YR2017 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
- Description: VOC MR YR2017 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(1)
- Description: DBP2 MR YR2017 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
- Description: LCR RD MR 3Y2017 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.
- 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 06/01/2014 to 09/30/2014- 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 the reduced monitoring period from 01/01/2014 to 12/31/2014.
- 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 2016 - The system failed to provide the Consumer Confidence Report (CCR) for 2016 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 2Q2016 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 second quarter of 2016.
- 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 1Q2016 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 first quarter of 2016.
- 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 4Q2015 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 fourth quarter of 2015.

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 3Q2015 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 third quarter of 2015.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 30, 2019	(1569965)
Item 2	December 19, 2019	(1617410)

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.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TRI-COUNTY POINT PROPERTY
OWNERS ASSOCIATION
RN101398733 AND RN101399228**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-0376-PWS-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this 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 public water supplies (the "Facilities") at the locations below. The Facilities provide water for human consumption and serve at least 25 people per day for at least 60 days per year. As such, the Facilities are public water systems as defined in 30 TEX. ADMIN. CODE § 290.38(71).
 - a. Tri County Point Water System 3, located at 14 County Road 480 in Palacios, Jackson County, Texas, that has approximately 145 service connections ("System 3"); and
 - b. Tri County Point Water System 4, located approximately 936 feet east of Porpoise Drive on Sea Horse Drive near Palacios, Jackson County, Texas, that has approximately 81 service connections ("System 4").

2. During an investigation conducted on December 3, 2019 through December 18, 2019 at System 3, an investigator documented that:
 - a. The Facility is required to provide a total storage capacity of 29,000 gallons. However, none was provided, indicating 100% deficiency.
 - b. The Facility is required to provide a service pump capacity of 290 gallons per minute ("gpm"). However, no service pumps were provided, indicating 100% deficiency.
 - c. Records for the dates that dead-end mains were flushed, backflow prevention device programs, the results of inspections for all pressure maintenance facilities, and copies of the Customer Service Inspection ("CSI") reports were not maintained on-site for review.
 - d. The Respondent did not have CSI certificates completed at new connections.
 - e. The Customer Service Agreement form lacked provisions for proper enforcement to ensure that unacceptable plumbing practices are not permitted.
 - f. The Respondent did not make available a distribution map.
 - g. The Respondent drilled into a capped potable waterline and connected a water hose. Furthermore, the hose was laying on the ground providing a potential indirect cross-connection at the wastewater treatment plant.
3. During an investigation conducted on December 3, 2019 at System 4, an investigator documented that:
 - a. Records for the dates that dead-end mains were flushed, backflow prevention device programs and the results of inspections for all pressure maintenance facilities were not maintained on-site for review.
 - b. The operator stated that there were new homes built in the previous three years; however, CSI certificates were not completed.
 - c. The Respondent did not make available a distribution map.
 - d. The Facility is required to provide a total storage capacity of 16,200 gallons. However, none was provided, indicating 100% deficiency.
 - e. The Facility is required to provide a service pump capacity of 162 gpm. However, no service pumps were provided, indicating 100% deficiency.
 - f. The Customer Service Agreement form lacked provisions for proper enforcement to ensure that unacceptable plumbing practices are not permitted
4. The Executive Director recognizes that on December 18, 2019 the Respondent disconnected and removed the hose and capped the potable waterline at the System 3 wastewater treatment plant.

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 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.c.ii.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.c.i.
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iv), (f)(3)(B)(v), (f)(3)(D)(ii), and (f)(3)(E)(iv) and TCEQ Agreed Order Docket No. 2014-1590-PWS-E, Ordering Provision No. 2.a.i.
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to complete a CSI certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exists, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreements with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or backflow prevention assembly, as identified in 30 TEX. ADMIN. CODE § 290.47(f), in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A).
9. As evidenced by Finding of Fact No. 3.a, the Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iv), (f)(3)(B)(v), and (f)(3)(D)(ii).

10. As evidenced by Finding of Fact No. 3.b, the Respondent failed to complete a CSI certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exists, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
11. As evidenced by Finding of Fact No. 3.c, the Respondent failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
12. As evidenced by Finding of Fact No. 3.d, the Respondent failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
13. As evidenced by Finding of Fact No. 3.e, the Respondent failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
14. As evidenced by Finding of Fact No. 3.f, the Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connection nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
15. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative 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.
16. An administrative penalty in the amount of \$53,873 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 Revenue Operations Section of TCEQ's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all or part of the penalty. Therefore, \$50,273 of the penalty is deferred contingent upon the Respondent's compliance with all the terms of this Order and shall be waived only upon full compliance with all of the terms and conditions in this Order. If the Respondent fails to comply with any requirement of this Order, including any payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent paid \$100 of the undeferred penalty. The remaining amount of \$3,500 of the undeferred penalty shall be paid in 35 monthly payments of \$100 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondents fail to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the

acceleration of any remaining balance constitutes failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred 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. 16 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: TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION, Docket No. 2020-0376-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 at System 3:
 - a. Within 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed water works operation and maintenance records, including records for the dates that dead-end mains were flushed, backflow prevention device programs, results of inspections for all pressure maintenance facilities and copies of the CSI reports, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that CSI certificates are completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii.

- c. Within 90 days after the effective date of this Order:
 - i. Complete CSI certificates for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. 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, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below to demonstrate compliance with Ordering Provision Nos. 2.c.i and 2.c.ii.
 - e. Within 180 days after the effective date of this Order:
 - i. Provide a total storage capacity of at least 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide two or more service pumps having a total capacity of at least 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - f. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii.
3. The Respondent shall undertake the following technical requirements at System 4:
- a. Within 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed water works operation and maintenance records, including records for the dates that dead-end mains were flushed, backflow prevention device programs and the results of inspections for all pressure maintenance facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that CSI certificates are completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after

any material improvements, corrections, or additions to the private water distribution facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.iii.
- c. Within 90 days after the effective date of this Order:
 - i. Complete CSI certificates for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. 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, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below to demonstrate compliance with Ordering Provision Nos. 3.c.i and 3.c.ii.
- e. Within 180 days after the effective date of this Order:
 - i. Provide a total storage capacity of at least 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide two or more service pumps having a total capacity of at least 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- f. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.e.i and 3.e.ii. 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:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The 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 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.
7. 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.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. 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.
10. 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.

11. 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



For the Executive Director

Date

12/13/2021

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.



Signature

July 1 2021

Date

Cynthia Morrison

Name (Printed or typed)

President of Board of Directors

Title

Authorized Representative of

TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION

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

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