

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 48856  
WATER ASSOCIATION OF NORTH LAKE, INC.  
RN101450047  
Docket No. 2020-0772-MLM-E

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**Order Type:**  
Default Order

**Media:**  
MLM: WR and PWS

**Small Business:**  
Yes

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

**Type of Operation:**  
Public water supply

**Other Significant Matters:**  
Additional Pending Enforcement Actions: Yes, 2019-1148-PWS-E  
Past-Due Penalties: None  
Past-Due Fees: \$10,600  
Other: None  
Interested Third Parties: None

**Texas Register Publication Date:** July 5, 2024

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$12,343

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$12,343

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

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** N/A

**Date(s) of Investigation:** January 28, 2020

**Date(s) of NOV(s):** N/A

**Date(s) of NOE(s):** March 27, 2020

**Violation Information**

1. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier [TEX. WATER CODE § 11.1272(c), 30 TEX. ADMIN. CODE §§ 288.20(a), 288.30(5)(B)].
2. Failed to maintain the Facility's ground storage tank in strict accordance with current American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)] and TCEQ Default Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.h.i.].
3. Failed to provide a pressure tank capacity of 20 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.h.ii.].
4. Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license [TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(4)(A)].
5. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection [30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3)].
6. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
7. Failed to maintain at the Facility accurate and up-to-date as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned [30 TEX. ADMIN. CODE § 290.46(n)(1)].
8. 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)].
9. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
10. 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)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(A)(v), (f)(3)(B)(ii), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(D)(i), (f)(3)(D)(ii), and (f)(3)(E)(iv)].
11. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.d.ii.].
12. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.b.i.].
13. Failed to keep on file copies of well completion data as defined by 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.d.i.].

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14. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90610171 for Fiscal Years 2018 through 2020 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].
15. Failed to pay regulatory assessment fees and/or any associated late fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12198 for the calendar Year 2019 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater water license;
  - b. Provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection;
  - c. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies;
  - d. Compile and maintain properly completed water works operation and maintenance records, including records for the amount of each chemical used each week; volume of water treated and distributed each week; the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation; dates that dead-end mains were flushed; dates that storage tanks and other facilities were cleaned; copies of any public notices issued by the water system; disinfectant residual monitoring results from the distribution system; the calibration records for flow meters; results of microbiological analyses; results of inspections for all storage facilities; and copies of Customer Service Inspection reports;
  - e. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to removing the dirt, rat excrement, and debris from the floor areas, removing vegetation from the intruder resistant fence, repairing or replacing the sagging barbed wire on the intruder-resistant fence, and providing three strands of barbed wire to the fence gates;
  - f. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 12198 for the calendar years 2018 through 2019; and
  - g. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90610171.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirements Nos. 1.a. through 1.e.
3. Within 60 days:
  - a. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference; and
  - b. Develop and maintain a chemical and microbiological monitoring plan.
4. Within 75 days submit written certification to demonstrate compliance with Technical Requirement Nos. 3.a. and 3.b.
5. Within 90 days:
  - a. Prepare and adopt a complete drought contingency plan;
  - b. Keep on file copies of well completion data for the well;

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- c. 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; and
  - d. Compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank.
6. Within 105 days submit written certification to demonstrate compliance with Technical Requirement Nos. 5.a. through 5.d.
7. Within 180 days:
- a. Refurbish or replace the ground storage tank so that the exterior meets AWWA standards; and
  - b. Provide a pressure tank capacity of at least 20 gallons per connection.
8. Within 195 days submit written certification to demonstrate compliance with Technical Requirement Nos. 7.a. and 7.b.

**Litigation Information**

**Date Petition(s) Filed:** July 27, 2022; September 21, 2022  
**Date(s) of Service:** unclaimed; unclaimed  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** David Keagle, Litigation Division, (512) 239-3400  
Garrett Arthur, Public Interest Counsel, (512) 239-6363  
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575  
**TCEQ Enforcement Coordinator:** Christiana McCrimmon, Enforcement Division, (512) 239-2811  
**TCEQ Regional Contact:** Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800  
**Respondent Contact:** Michael Smith, President, WATER ASSOCIATION OF NORTH LAKE, INC., 2004  
Dove Creek Circle, Aubrey, Texas 76227  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	23-Mar-2020	<b>Screening</b>	30-Mar-2020	<b>EPA Due</b>	
	<b>PCW</b>	6-Apr-2020				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48856	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-0772-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Rights	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Public Water Supply	<b>Enf. Coordinator</b>	Samantha Duncan
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$250
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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.

<b>Compliance History</b>	25.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$62
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<b>Notes</b>	Enhancement for one Default Order.
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$29  
 Estimated Cost of Compliance \$360  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$312
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$312
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$312
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$312
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<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48856			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101450047			
<b>Media</b>	Water Rights			
<b>Enf. Coordinator</b>	Samantha Duncan			

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	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> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)** 25%

#### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one Default Order.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 25%

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48856			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101450047			
<b>Media</b>	Water Rights			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 288.20(a), 288.30(5)(B), Tex. Water Code § 11.1272(c), and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.d.iii			
<b>Violation Description</b>	Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier.			
<b>Base Penalty</b>				\$5,000

  

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				
	<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.				
<b>Adjustment</b>					\$4,750
					\$250

  

<b>Violation Events</b>					
Number of Violation Events		1	273	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		
<b>Violation Base Penalty</b> \$250					
One single event is recommended.					

  

<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>	<b>Reduction</b>	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$250

  

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$29	<b>Violation Final Penalty Total</b>	\$313
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$313	

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Water Rights  
**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)	\$360	1-Jul-2019	16-Feb-2021	1.63	\$29	n/a	\$29

Notes for DELAYED costs

The delayed cost includes the estimated amount to draft and adopt a drought contingency plan, calculated from the effective date of TCEQ Default Order Docket No. 2017-0471-MLM-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

\$360

**TOTAL**

\$29





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	23-Mar-2020	<b>Screening</b>	30-Mar-2020	<b>EPA Due</b>	
	<b>PCW</b>	6-Apr-2020				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48856	<b>No. of Violations</b>	2
<b>Docket No.</b>	2020-0772-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Water Rights	<b>Enf. Coordinator</b>	Samantha Duncan
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$200
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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.

<b>Compliance History</b>	25.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$50
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Notes: Enhancement for one Default Order.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,630
Estimated Cost of Compliance	\$12,400

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$250

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$250
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$250
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<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48856			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101450047			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	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> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)** 25%

#### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one Default Order.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 25%

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			Policy Revision 4 (April 2014)
<b>Case ID No.</b>	48856			PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b>	RN101450047			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(c)(8) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.h.i			
<b>Violation Description</b>	Failed to maintain the Facility's ground storage tank in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the outer shell of the ground storage tank had major cracks which were sealed with insulating foam sealant and held together with wooden panels and cargo straps.			
		<b>Base Penalty</b>	\$1,000	

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes: Failure to maintain the storage tanks in accordance with AWWA standards could allow contaminants to enter the water supply which would exceed levels protective of human health.

**Adjustment** \$850

\$150

**Violation Events**

Number of Violation Events	1	Number of violation days	62
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	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

**Violation Base Penalty** \$150

One quarterly event is recommended, calculated from the July 1, 2019 effective date of TCEQ Default Order Docket No. 2017-0471-MLM-E to August 31, 2019.

**Good Faith Efforts to Comply**

	<b>0.0%</b>			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			

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

**Violation Subtotal** \$150

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$973	<b>Statutory Limit Test</b>	
		<b>Violation Final Penalty Total</b>	\$188
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$188

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$7,400	1-Jul-2019	17-May-2021	1.88	\$46	\$927	\$973
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 replace or refurbish the ground storage tank, calculated from the effective date of TCEQ Default Order Docket No. 2017-0471-MLM-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

\$7,400

**TOTAL**

\$973

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>	
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			<i>Policy Revision 4 (April 2014)</i>	
<b>Case ID No.</b>	48856			<i>PCW Revision March 26, 2014</i>	
<b>Reg. Ent. Reference No.</b>	RN101450047				
<b>Media</b>	Public Water Supply				
<b>Enf. Coordinator</b>	Samantha Duncan				
<b>Violation Number</b>	2				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(b)(1)(B)(iv), Tex. Health & Safety Code § 341.0315(c), and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.h.ii				
<b>Violation Description</b>	Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 13 connections requiring pressure tank capacity of 260 gallons. However, only 220 gallons were provided, indicating a 15% deficiency.				
<b>Base Penalty</b>				\$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>	<b>Major</b>	<b>Harm Moderate</b>	<b>Minor</b>	
	Actual				
	Potential		x		<b>Percent</b> 5.0%
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
					<b>Percent</b> 0.0%
<b>Matrix Notes</b>	Failure to provide adequate pressure tank capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.				
<b>Adjustment</b>				\$950	
\$50					
<b>Violation Events</b>					
Number of Violation Events		1	62	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			<b>Violation Base Penalty</b> \$50
	semiannual				
	annual				
	single event				
One quarterly event is recommended, calculated from the July 1, 2019 effective date of TCEQ Default Order Docket No. 2017-0471-MLM-E to August 31, 2019.					
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>		<b>Reduction</b> \$0	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				\$50	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$657	<b>Violation Final Penalty Total</b>		\$63
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$63

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	1-Jul-2019	17-May-2021	1.88	\$31	\$626	\$657
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 pressure tank capacity of at least 20 gallons per connection, calculated from the effective date of TCEQ Default Order Docket No. 2017-0471-MLM-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**

\$657



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

<b>DATES</b>	<b>Assigned</b>	23-Mar-2020	<b>Screening</b>	30-Mar-2020	<b>EPA Due</b>	
	<b>PCW</b>	6-Apr-2020				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48856	<b>No. of Violations</b>	14
<b>Docket No.</b>	2020-0772-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Water Rights	<b>Enf. Coordinator</b>	Samantha Duncan
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$9,425
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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.

<b>Compliance History</b>	25.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$2,356
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<b>Notes</b>	Enhancement for one Default Order.
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,020	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,143	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$11,781
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$11,781
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$11,781
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$11,781
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<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48856			<i>PCW Revision September 1, 2019</i>
<b>Reg. Ent. Reference No.</b>	RN101450047			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	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> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)** 25%

#### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one Default Order.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 25%



<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856	Policy Revision 4 (April 2014)		
<b>Reg. Ent. Reference No.</b>	RN101450047	PCW Revision September 1, 2019		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)			
<b>Violation Description</b>	Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license.			
<b>Base Penalty</b>				\$5,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 15.0%

  

**>> Programmatic Matrix**

<b>Matrix Notes</b>		Falsification	Major	Moderate	Minor	
						<b>Percent</b> 0.0%
	Failure to operate the Facility under the direct supervision of a properly licensed operator may expose persons served by the Facility to contaminants which would exceed levels protective of human health.					

  

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events	3	62	Number of violation days
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	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

  

**Violation Base Penalty** \$2,250

Three monthly events are recommended, calculated from the date of the investigation, January 28, 2020, to the date of screening, March 30, 2020.

**Good Faith Efforts to Comply**

	<b>0.0%</b>		
	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**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$885
	<b>Violation Final Penalty Total</b> \$2,813
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$2,813	

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel	\$5,200	28-Jan-2020	30-Mar-2020	0.17	\$2	\$883	\$885
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

The avoided cost includes the estimated amount to ensure that the Facility is operated under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license, calculated from the investigation date to the screening date.

Approx. Cost of Compliance

\$883

**TOTAL**

\$885

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856			Policy Revision 4 (April 2014)
<b>Reg. Ent. Reference No.</b>	RN101450047			PCW Revision September 1, 2019
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(b)(1) and (e)(3)			
<b>Violation Description</b>	Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection. Specifically, the disinfection feed pump was not functioning.			
<b>Base Penalty</b>				\$5,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 15.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Without disinfection facilities to ensure microbiological control and proper disinfection of the water, persons served by the Facility could be exposed to contaminants that would exceed levels that are protective of human health.
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<b>Adjustment</b>	\$4,250
<b>\$750</b>	

  

**Violation Events**

Number of Violation Events	3		62	Number of violation days
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	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

  

	<b>Violation Base Penalty</b>
	\$2,250

  

Three monthly events are recommended, calculated from the date of the investigation, January 28, 2020, to the date of screening, March 30, 2020.	

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
		<b>Reduction</b>
		\$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.
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<b>Violation Subtotal</b>	\$2,250
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$62
<b>Violation Final Penalty Total</b>	\$2,813
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$2,813	

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	28-Jan-2020	18-Dec-2020	0.89	\$3	\$59	\$62
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 disinfection facilities for microbiological control and distribution protection, calculated from the date of the investigation 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

\$1,000

**TOTAL**

\$62

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			Policy Revision 4 (April 2014)
<b>Case ID No.</b>	48856			PCW Revision September 1, 2019
<b>Reg. Ent. Reference No.</b>	RN101450047			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.121(a) and (b)			
<b>Violation Description</b>	Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.			
		<b>Base Penalty</b>	\$5,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Release</b>	<b>Harm</b>		
		Major      Moderate      Minor		
	Actual			
	Potential			
			<b>Percent</b>	0.0%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
		x		
			<b>Percent</b>	5.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.			
		<b>Adjustment</b>	\$4,750	
			\$250	
<b>Violation Events</b>				
	Number of Violation Events	1	62	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
			<b>Violation Base Penalty</b>	\$250
	One single event is recommended.			
<b>Good Faith Efforts to Comply</b>		0.0%	<b>Reduction</b>	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
	<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
		<b>Violation Subtotal</b>	\$250	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
	<b>Estimated EB Amount</b>	\$9	<b>Violation Final Penalty Total</b>	\$313
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$313

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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	28-Jan-2020	17-Jan-2021	0.97	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and begin maintaining a chemical and microbiological monitoring plan, calculated from the date of the investigation 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

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN101450047	<i>PCW Revision September 1, 2019</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(n)(1)			
<b>Violation Description</b>	Failed to maintain at the Facility accurate and up-to-date as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned.			
<b>Base Penalty</b>				\$5,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				
					<b>Percent</b> 0.0%

  

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
		x			
					<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.				
<b>Adjustment</b>					\$4,750

  

\$250

**Violation Events**

Number of Violation Events	1	62	Number of violation days
daily			
weekly			
monthly			
quarterly			
semiannual			
annual			
single event	x		
<b>Violation Base Penalty</b> \$250			
One single event is recommended.			

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b> \$0
<small>Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer</small>			
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b> \$250			

  

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$9	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> \$313
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$313

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	28-Jan-2020	16-Feb-2021	1.05	\$9	n/a	\$9
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 accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, calculated from the date of the investigation 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



<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856			Policy Revision 4 (April 2014)
<b>Reg. Ent. Reference No.</b>	RN101450047			PCW Revision September 1, 2019
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	5			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(n)(2)			
<b>Violation Description</b>	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.			
<b>Base Penalty</b>				\$5,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor	
	Actual				
	Potential				<b>Percent</b>
					0.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			
					<b>Percent</b>
					5.0%

  

<b>Matrix Notes</b>	100% of the rule requirements were not met.
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<b>Adjustment</b>	\$4,750
<b>\$250</b>	

  

**Violation Events**

Number of Violation Events	1	Number of violation days	62
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	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

  

<b>Violation Base Penalty</b>	\$250
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One single event is recommended.	
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**Good Faith Efforts to Comply**

	<b>0.0%</b>				
	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.				

  

<b>Violation Subtotal</b>	\$250
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$8	<b>Statutory Limit Test</b>	
		<b>Violation Final Penalty Total</b>	\$313
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$313

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	28-Jan-2020	18-Dec-2020	0.89	\$8	n/a	\$8

**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 of 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**

\$8

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN101450047	<i>PCW Revision September 1, 2019</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	6			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)			
<b>Violation Description</b>	<p>Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the water plant had excessive dirt, rat excrement, and other debris covering the floor area. In addition, the intruder resistant fence at the water plant was not being properly maintained. Specifically, vegetation was not being maintained off the fence, the barbed wire was sagging and not tight, and the fence gates were missing the three strands of barbed wire.</p>			
<b>Base Penalty</b>				\$5,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual			
	Potential			x
<b>Percent</b>				3.0%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
<b>Percent</b>				0.0%
<b>Matrix Notes</b>	<p>Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to insignificant amounts of contaminants which would not exceed levels protective of human health.</p>			
<b>Adjustment</b>				\$4,850
				\$150
<b>Violation Events</b>				
Number of Violation Events		2	62	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		x	
<b>Violation Base Penalty</b>				\$300
<p>Two single events are recommended (one for the plant enclosure and one for the fence).</p>				
<b>Good Faith Efforts to Comply</b>		0.0%	<b>Reduction</b>	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
<b>Notes</b>	<p>The Respondent does not meet the good faith criteria for this violation.</p>			
<b>Violation Subtotal</b>				\$300
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>	\$10	<b>Violation Final Penalty Total</b>	\$375	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$375

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**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)	\$100	28-Jan-2020	18-Dec-2020	0.89	\$0	\$6	\$6
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	28-Jan-2020	18-Dec-2020	0.89	\$4	n/a	\$4

Notes for DELAYED costs

The first Other delayed cost includes the estimated amount to repair or replace the sagging barbed wire on the intruder resistant fence and provide three strands of barbed wire to fence gates, calculated from the investigation date to the estimated date of compliance.

The second Other delayed cost includes the estimated amount to remove the dirt, rat excrement and debris from the floor areas and remove vegetation from the intruder resistant fence, 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

\$200

**TOTAL**

\$10

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN101450047	<i>PCW Revision September 1, 2019</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	7			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(A)(v), (f)(3)(B)(ii), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(D)(i), (f)(3)(D)(ii), and (f)(3)(E)(iv)			
<b>Violation Description</b>	<p>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 amount of each chemical used each week; volume of water treated and distributed each week; the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation; dates that dead-end mains were flushed; dates that storage tanks and other facilities were cleaned; copies of any public notices issued by the water system; disinfectant residual monitoring results from the distribution system; the calibration records for flow meters, results of microbiological analyses; results of inspections for all storage facilities; and copies of Customer Service Inspection reports were not maintained on-site for review.</p>			
<b>Base Penalty</b>				\$5,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Major	Moderate	Minor	
	Actual	Potential		<b>Percent</b>
				0.0%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
			x	
				<b>Percent</b>
				2.5%
<b>Matrix Notes</b>	Between 30% and 70% of the rule requirements were not met.			
<b>Adjustment</b>				\$4,875
				\$125
<b>Violation Events</b>				
Number of Violation Events		1	62	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
<b>Violation Base Penalty</b>				\$125
One single event is recommended.				
<b>Good Faith Efforts to Comply</b>				
		0.0%	<b>Reduction</b>	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$125
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>	\$5	<b>Violation Final Penalty Total</b>	\$156	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$156

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**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	\$120	28-Jan-2020	18-Dec-2020	0.89	\$5	n/a	\$5
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 compile and 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 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

\$120

**TOTAL**

\$5

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856			Policy Revision 4 (April 2014)
<b>Reg. Ent. Reference No.</b>	RN101450047			PCW Revision September 1, 2019
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	8			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(i) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.d.ii			
<b>Violation Description</b>	Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.			
<b>Base Penalty</b>				\$5,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor	
	Actual				<b>Percent</b>
Potential				0.0%	

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b>

  

Matrix Notes	100% of the rule requirements were not met.
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<b>Adjustment</b>	\$4,750
	\$250

  

**Violation Events**

Number of Violation Events	1		273	Number of violation days
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	daily		<b>Violation Base Penalty</b>	\$250
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

  

One single event is recommended.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>			
	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.			

  

<b>Violation Subtotal</b>	\$250
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
Estimated EB Amount	\$3
	Violation Final Penalty Total
	\$313
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$313	

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	1-Jul-2019	16-Feb-2021	1.63	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to adopt an adequate plumbing ordinance, regulations, or service agreement, calculated from the effective date of TCEQ Default Order Docket No. 2017-0471-MLM-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

\$40

**TOTAL**

\$3



<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856			<i>Policy Revision 4 (April 2014)</i>
<b>Reg. Ent. Reference No.</b>	RN101450047			<i>PCW Revision September 1, 2019</i>
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	9			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(c)(8) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.h.i			
<b>Violation Description</b>	Failed to maintain the Facility's ground storage tank in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the outer shell of the ground storage tank has major cracks which were sealed with insulating foam sealant and held together with wooden panels and cargo straps.			
<b>Base Penalty</b>				\$5,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 15.0%
Potential	x				

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Failure to maintain the storage tanks in accordance with AWWA standards could allow contaminants to enter the water supply which would exceed levels protective of human health.
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<b>Adjustment</b>	\$4,250
\$750	

  

**Violation Events**

Number of Violation Events	3	Number of violation days	211
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	daily		<b>Violation Base Penalty</b> \$2,250
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

  

Three quarterly events are recommended, calculated from September 1, 2019 to the March 30, 2020 screening date.

  

**Good Faith Efforts to Comply**

<b>0.0%</b>		<b>Reduction</b>	\$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.		

  

<b>Violation Subtotal</b>	\$2,250
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$0	<b>Statutory Limit Test</b>	
		<b>Violation Final Penalty Total</b>	\$2,813
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$2,813

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 9

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 to replace or refurbish the ground storage tank is captured in the Economic Benefit Worksheet in PCW No. 1, Violation 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

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN101450047	<i>PCW Revision September 1, 2019</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	10			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(b)(1)(B)(iv), Tex. Health & Safety Code § 341.0315(c), and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.h.ii			
<b>Violation Description</b>	Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 13 connections requiring pressure tank capacity of 260 gallons. However, only 220 gallons were provided, indicating a 15% deficiency.			
<b>Base Penalty</b>				\$5,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 5.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Failure to provide adequate pressure tank capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.
--------------	--

  

<b>Adjustment</b>	\$4,750
<b>\$250</b>	

  

**Violation Events**

Number of Violation Events	3	Number of violation days	211
----------------------------	---	--------------------------	-----

  

	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

  

<b>Violation Base Penalty</b>	\$750
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Three quarterly events are recommended, calculated from September 1, 2019 to the March 30, 2020 screening date.	
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**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$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.			
<b>Violation Subtotal</b>				\$750

  

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$0
<b>Violation Final Penalty Total</b>	\$938
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$938	

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 10

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 to provide a pressue tank capacity of at least 20 gallons per connection is captured in the Economic Benefit Worksheet in PCW No. 1, Violation No. 2.

### 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

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>	
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.				<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48856				<i>PCW Revision September 1, 2019</i>
<b>Reg. Ent. Reference No.</b>	RN101450047				
<b>Media</b>	Public Water Supply				
<b>Enf. Coordinator</b>	Samantha Duncan				
<b>Violation Number</b>	11				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(I) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.b.i				
<b>Violation Description</b>	Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.				
				<b>Base Penalty</b>	\$5,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				<b>Percent</b> 0.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.				
					<b>Adjustment</b> \$4,750

\$250

  

**Violation Events**

Number of Violation Events	1	Number of violation days	273															
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x			<b>Violation Base Penalty</b> \$250
daily																		
weekly																		
monthly																		
quarterly																		
semiannual																		
annual																		
single event	x																	
	One single event is recommended.																	

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
			<b>Violation Subtotal</b>	\$250

  

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$14
<b>Violation Final Penalty Total</b>	\$313
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$313	

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 11

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)	\$180	1-Jul-2019	17-Jan-2021	1.55	\$14	n/a	\$14

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and begin maintaining a thorough and up-to-date plant operations manual, calculated from the effective date of TCEQ Default Order Docket No. 2017-0471-MLM-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

\$180

**TOTAL**

\$14

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856			<i>Policy Revision 4 (April 2014)</i>
<b>Reg. Ent. Reference No.</b>	RN101450047			<i>PCW Revision September 1, 2019</i>
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	12			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(n)(3) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.d.i			
<b>Violation Description</b>	Failed to keep on file copies of well completion data as defined by 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as well remains in service.			
<b>Base Penalty</b>				\$5,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual				
	Potential				<b>Percent</b> 0.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.				

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events	1	Number of violation days	273
----------------------------	---	--------------------------	-----

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$250

One single event is recommended.

**Good Faith Efforts to Comply**

	<b>0.0%</b>				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary					
N/A	x				
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				

**Violation Subtotal** \$250

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$15	<b>Statutory Limit Test</b>	
		<b>Violation Final Penalty Total</b>	\$313
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$313

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 12

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	\$180	1-Jul-2019	16-Feb-2021	1.63	\$15	n/a	\$15
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 keep on file copies of well completion data for the well, calculated from the effective date of TCEQ Default Order Docket No. 2017-0471-MLM-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

\$180

**TOTAL**

\$15



<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN101450047	<i>PCW Revision September 1, 2019</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	13			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702			
<b>Violation Description</b>	Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90610171 for Fiscal Years 2018 through 2020.			
<b>Base Penalty</b>				\$5,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%
Matrix Notes					

**Adjustment** \$5,000

\$0

**Violation Events**

Number of Violation Events		Number of violation days	
	<div style="border: 1px solid black; padding: 2px;">daily</div> <div style="border: 1px solid black; padding: 2px;">weekly</div> <div style="border: 1px solid black; padding: 2px;">monthly</div> <div style="border: 1px solid black; padding: 2px;">quarterly</div> <div style="border: 1px solid black; padding: 2px;">semiannual</div> <div style="border: 1px solid black; padding: 2px;">annual</div> <div style="border: 1px solid black; padding: 2px;">single event</div>		
<b>Violation Base Penalty</b>			\$0

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

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	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.	
<b>Violation Subtotal</b>		\$0

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$0
	<b>Violation Final Penalty Total</b>
	\$0
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$0	

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 13

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

N/A

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

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

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

<b>Screening Date</b>	30-Mar-2020	<b>Docket No.</b>	2020-0772-MLM-E	<b>PCW</b>
<b>Respondent</b>	WATER ASSOCIATION OF NORTH LAKE, INC.			
<b>Case ID No.</b>	48856			Policy Revision 4 (April 2014)
<b>Reg. Ent. Reference No.</b>	RN101450047			PCW Revision September 1, 2019
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Duncan			
<b>Violation Number</b>	14			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 291.76 and Tex. Water Code § 5.702			
<b>Violation Description</b>	Failed to pay regulatory assessment fees and/or an associated late fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12198 for the calendar Year 2019.			
		<b>Base Penalty</b>	\$5,000	

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				<b>Percent</b>
					0.0%

  

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b>
					0.0%
<b>Matrix Notes</b>					
	<b>Adjustment</b>				\$5,000

  

\$0

**Violation Events**

Number of Violation Events		Number of violation days	
	<div style="border: 1px solid black; padding: 2px;">             daily              weekly              monthly              quarterly              semiannual              annual              single event           </div>		
			<b>Violation Base Penalty</b>
			\$0

  

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

**Good Faith Efforts to Comply**

	<b>0.0%</b>			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	<b>Reduction</b>	\$0
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
	<b>Violation Subtotal</b>			\$0

  

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$0
	<b>Violation Final Penalty Total</b>
	\$0
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>
	\$0

## Economic Benefit Worksheet

**Respondent** WATER ASSOCIATION OF NORTH LAKE, INC.  
**Case ID No.** 48856  
**Reg. Ent. Reference No.** RN101450047  
**Media** Public Water Supply  
**Violation No.** 14

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

N/A

### Avoided Costs

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

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

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

**TOTAL**

\$0



# Compliance History Report

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

**Customer, Respondent, or Owner/Operator:** CN600636500, WATER ASSOCIATION OF NORTH LAKE, INC. **Classification:** NOT APPLICABLE **Rating:** N/A

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

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

**CH Group:** 14 - Other

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

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0610171 **WATER LICENSING LICENSE** 0610171

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

**Date Compliance History Report Prepared:** July 20, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 20, 2015 to July 20, 2020

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Sam Duncan **Phone:** (512) 239-2511

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 07/01/2019 ADMINORDER 2017-0471-MLM-E (Findings Order-Default)
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
- Description: Failure to provide a thorough and up-to-date plant operations manual for operator review and reference.
- Classification: Moderate
- Citation: 2B TWC Chapter 11, SubChapter A 11.1272(c)
- 30 TAC Chapter 288, SubChapter B 288.20(a)
- 30 TAC Chapter 288, SubChapter C 288.30(5)(B)
- Description: to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
- Description: Failure to maintain copies of well completion data such as well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
- Description: Failure to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
- Description: Failure to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted.

Classification: Major

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

Classification: Major

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

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

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iv)

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

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

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

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 290, SubChapter E 290.51(a)(6)

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

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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  
WATER ASSOCIATION OF NORTH  
LAKE, INC.;  
RN101450047

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER

DOCKET NO. 2020-0772-MLM-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition, filed pursuant to TEX. WATER CODE chs. 5 and 11, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent(s). The respondent made the subject of this Order is WATER ASSOCIATION OF NORTH LAKE, INC. ("Respondent").

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

### FINDINGS OF FACT

1. Respondent owns and operates a public water supply ("PWS") located at 2094 Dove Creek Circle near Aubrey, Denton County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 17 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71) (2019) (current version at 30 TEX. ADMIN. CODE § 290.38(73) (2023)). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(50).
2. During an investigation conducted on January 28, 2020, an investigator documented that Respondent:
  - a. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier;
  - b. Failed to maintain the Facility's ground storage tank in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the outer shell of the ground storage tank had major cracks which were sealed with insulating foam sealant and held together with wooden panels and cargo straps;
  - c. Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 13 connections requiring pressure tank capacity of 260 gallons. However, only 220 gallons were provided, indicating a 15% deficiency;
  - d. Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license;
  - e. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection. Specifically, the disinfection feed pump was not functioning;
  - f. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements;

- g. Failed to maintain at the Facility accurate and up-to-date as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned;
  - h. 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;
  - i. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the water plant had excessive dirt, rat excrement, and other debris covering the floor area. In addition, the intruder resistant fence at the water plant was not being properly maintained. Specifically, vegetation was not being maintained off the fence, the barbed wire was sagging and not tight, and the fence gates were missing the three strands of barbed wire;
  - j. 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 amount of each chemical used each week; volume of water treated and distributed each week; the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation; dates that dead-end mains were flushed; dates that storage tanks and other facilities were cleaned; copies of any public notices issued by the water system; disinfectant residual monitoring results from the distribution system; the calibration records for flow meters, results of microbiological analyses; results of inspections for all storage facilities; and copies of Customer Service Inspection reports were not maintained on-site for review;
  - k. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted;
  - l. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference;
  - m. Failed to keep on file copies of well completion data as defined by 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as well remains in service;
  - n. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90610171 for Fiscal Years 2018 through 2020; and
  - o. Failed to pay regulatory assessment fees and/or any associated late fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12198 for the calendar Year 2019.
3. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of WATER ASSOCIATION OF NORTH LAKE, INC." (the "EDFARP") in the TCEQ Chief Clerk's office on July 27, 2022.
4. The EDFARP was mailed to Respondent's last known address on July 27, 2022, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."



5. The Executive Director re-filed the EDFARP in the TCEQ Chief Clerk's office on September 21, 2022.
6. By letter dated September 21, 2022, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. The EDFARP that was sent via first class mail was not returned.
7. More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 11, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier, in violation of TEX. WATER CODE § 11.1272(c), 30 TEX. ADMIN. CODE §§ 288.20(a), 288.30(5)(B), and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.d.iii.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain the Facility's ground storage tank in strict accordance with current AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.h.i.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide a pressure tank capacity of 20 gallons per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv), and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.h.ii.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license, in violation of TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(4)(A).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to maintain at the Facility accurate and up-to-date as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).
9. As evidenced by Finding of Fact No. 2.h., 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).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).

11. As evidenced by Finding of Fact No. 2.j., 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)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(A)(v), (f)(3)(B)(ii), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(D)(i), (f)(3)(D)(ii), and (f)(3)(E)(iv).
12. As evidenced by Finding of Fact No. 2.k., Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.d.ii.
13. As evidenced by Finding of Fact No. 2.l., Respondent failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.b.i.
14. As evidenced by Finding of Fact No. 2.m., Respondent failed to keep on file copies of well completion data as defined by 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3) and TCEQ Default Order Docket No. 2017-0471-MLM-E, Ordering Provision No. 3.d.i.
15. As evidenced by Finding of Fact No. 2.n., Respondent failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90610171 for Fiscal Years 2018 through 2020, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
16. As evidenced by Finding of Fact No. 2.o., Respondent failed to pay regulatory assessment fees and/or any associated late fee for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12198 for the calendar Year 2019, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76.
17. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
18. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
19. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
20. An administrative penalty in the amount of \$12,343 is justified by the facts recited in this Order and considered in light of the factors set forth TEX. HEALTH & SAFETY CODE 341.049(b).
21. TEX. WATER CODE § 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$12,343 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: WATER ASSOCIATION OF NORTH LAKE, INC.; Docket No. 2020-0772-MLM-E" to:

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

3. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater water license, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in accordance with 30 TEX. ADMIN. CODE § 290.42;
    - iii. 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;
    - iv. Compile and maintain properly completed water works operation and maintenance records, including records for the amount of each chemical used each week; volume of water treated and distributed each week; the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation; dates that dead-end mains were flushed; dates that storage tanks and other facilities were cleaned; copies of any public notices issued by the water system; disinfectant residual monitoring results from the distribution system; the calibration records for flow meters; results of microbiological analyses; results of inspections for all storage facilities; and copies of Customer Service Inspection reports, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - v. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to removing the dirt, rat excrement and debris from the floor areas, removing vegetation from the intruder resistant fence, repairing or replacing the sagging barbed wire on the intruder-resistant fence, and providing three strands of barbed wire to the fence gates, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- vi. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 12198 for the calendar years 2018 through 2019. The payment, along with the associated Revenue and Regulatory Assessment Reports, shall be sent to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
- vii. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90610171. The payment shall be sent with the notation "Water Association of North Lake, Inc., Financial Administration Account No. 90610171" to the address listed in Ordering Provision No. 3.a.vi.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.v.
- c. Within 60 days after the effective date of this Order:
  - i. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
  - ii. Develop and maintain a chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision Nos. 3.c.i. and 3.c.ii.
- e. Within 90 days after the effective date of this Order:
  - i. Prepare and adopt a complete drought contingency plan, in accordance with 30 TEX. ADMIN. CODE §§ 288.20 and 288.30;
  - ii. Keep on file copies of well completion data for the well as defined in 30 TEX. ADMIN. CODE § 290.46;
  - iii. 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; and
  - iv. Compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision Nos. 3.e.i through 3.e.iv.
- g. Within 180 days after the effective date of this Order:
  - i. Refurbish or replace the ground storage tank so that the exterior meets AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43; and

- ii. Provide a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision Nos. 3.g.i and 3.g.ii.
- i. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

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

and:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Road  
Fort Worth, Texas 76118-6951

and:

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

- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF DAVID KEAGLE

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of WATER ASSOCIATION OF NORTH LAKE, INC." (the "EDFARP") was filed in the TCEQ Chief Clerk's office on July 27, 2022.

The EDFARP was mailed to Respondent's last known address on July 27, 2022 via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDFARP was re-filed in the TCEQ Chief Clerk's office on September 21, 2022. The EDFARP was mailed to Respondent's last known address on September 21, 2022 via certified mail, return receipt requested, and via first class mail, postage prepaid. While the EDFARP that was sent was returned as unclaimed, the EDFARP sent via first class mail was not returned and presumed delivered to the addressee.

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

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

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

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

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Declarant