

Executive Summary – Enforcement Matter – Case No. 60817
Victoria's Platinum Properties, LLC
RN101241412
Docket No. 2021-0697-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

The Estates of Sandy Hills, 775 Guadalupe Road, Victoria, Victoria County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 19, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,686

Total Paid to General Revenue: \$4,686

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 10, 2021 through May 21, 2021

Date(s) of NOE(s): May 21, 2021

Executive Summary – Enforcement Matter – Case No. 60817
Victoria's Platinum Properties, LLC
RN101241412
Docket No. 2021-0697-PWS-E

Violation Information

1. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
2. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director ("ED") along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
3. Failed to provide public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to collect lead and copper tap samples, regarding the failure to conduct water quality parameter sampling, and regarding the failure to provide the results of arsenic sampling [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

- i. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers;
- ii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the July 1, 2020 through December 31, 2020 monitoring period. Submit to the ED a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements;
- iii. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to collect lead and copper tap samples for the July 1, 2019 through December 31, 2019

Executive Summary – Enforcement Matter – Case No. 60817
Victoria's Platinum Properties, LLC
RN101241412
Docket No. 2021-0697-PWS-E

monitoring period, regarding the failure to conduct water quality parameter sampling for the January 1, 2018 through June 30, 2018, July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, and July 1, 2019 through December 31, 2019 monitoring periods, and regarding the failure to provide the results of arsenic sampling for the fourth quarter of 2017; and

iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the ED.

b. Within 45 days:

i. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data;

ii. Submit written certification to demonstrate compliance with a.

c. Within 60 days, submit written certification to demonstrate compliance with b.i.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ecko Beggs, Enforcement Division, Enforcement Team 4, MC R-06, (915) 834-4968; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Brian Ferguson, Member, Victoria's Platinum Properties, LLC, 3805 East Rio Grande Street, Victoria, Texas 77901-1727

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|-------------|
| DATES | Assigned | 24-May-2021 | Screening | 1-Jun-2021 | EPA Due | 30-Sep-2021 |
| | PCW | 2-Jun-2021 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Victoria's Platinum Properties, LLC (PCW No. 1) |
| Reg. Ent. Ref. No. | RN101241412 |
| Facility/Site Region | 14-Corpus Christi |
| Major/Minor Source | Minor |

| | | | |
|--|---------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 60817 | No. of Violations | 3 |
| Docket No. | 2021-0697-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Ecko Beggs |
| | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$5,000 |

Penalty Calculation Section

| | | |
|---|-------------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$3,000 |
|---|-------------------|---------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|------------------|--------------------------------|---------|
| Compliance History | 40.0% Adjustment | Subtotals 2, 3, & 7 | \$1,200 |
|---------------------------|------------------|--------------------------------|---------|

Notes: Enhancement for four NOVs with the same/similar violations, and one agreed order containing a denial of liability.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

| | | | |
|-------------------------|-------------------|-------------------|-----|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts: \$25
 Estimated Cost of Compliance: \$314
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$4,200 |
|-----------------------------|-----------------------|---------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|---------|
| Final Penalty Amount | \$4,200 |
|-----------------------------|---------|

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$4,200 |
|-----------------------------------|-------------------------------|---------|

| | | | | |
|-----------------|------|-----------|-------------------|-----|
| DEFERRAL | 0.0% | Reduction | Adjustment | \$0 |
|-----------------|------|-----------|-------------------|-----|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

| | |
|------------------------|---------|
| PAYABLE PENALTY | \$4,200 |
|------------------------|---------|

Screening Date 1-Jun-2021

Docket No. 2021-0697-PWS-E

PCW

Respondent Victoria's Platinum Properties, LLC (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 60817

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101241412

Media Public Water Supply

Enf. Coordinator Ecko Beggs

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>) | 4 | 20% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| 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) 40%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with the same/similar violations, and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 1-Jun-2021

Docket No. 2021-0697-PWS-E

PCW

Respondent Victoria's Platinum Properties, LLC (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 60817

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101241412

Media Public Water Supply

Enf. Coordinator Ecko Beggs

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2019.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1

334 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$700

This violation Final Assessed Penalty (adjusted for limits) \$700

Economic Benefit Worksheet

Respondent Victoria's Platinum Properties, LLC (PCW No. 1)
Case ID No. 60817
Reg. Ent. Reference No. RN101241412
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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) | \$61 | 1-Jul-2020 | 28-Apr-2022 | 1.82 | \$6 | n/a | \$6 |

Notes for DELAYED costs
 The delayed cost includes the estimated amount to prepare and mail or directly deliver the most recent CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 21 connections) + \$50) x one year), calculated from the due date of the most recent CCR 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 \$61

TOTAL \$6

Screening Date 1-Jun-2021 **Docket No.** 2021-0697-PWS-E **PCW**
Respondent Victoria's Platinum Properties, LLC (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60817 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101241412
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.117(i)(6) and (j)
Violation Description Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2020 through December 31, 2020 monitoring period.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | x | | | 10.0% |

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

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events: 1 61 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$3 **Violation Final Penalty Total** \$700

This violation Final Assessed Penalty (adjusted for limits) \$700

Economic Benefit Worksheet

Respondent Victoria's Platinum Properties, LLC (PCW No. 1)
Case ID No. 60817
Reg. Ent. Reference No. RN101241412
Media Public Water Supply
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|------|-------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$53 | 31-Mar-2021 | 28-Apr-2022 | 1.08 | \$3 | n/a | \$3 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notification for the July 1, 2020 through December 31, 2020 monitoring period to persons served at the locations which were sampled and to the TCEQ [(((\$0.50 x 5 sampled locations) + \$50) x one monitoring period)], calculated from the date the consumer notification was due to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$53

TOTAL \$3

Screening Date 1-Jun-2021 **Docket No.** 2021-0697-PWS-E **PCW**
Respondent Victoria's Platinum Properties, LLC (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60817 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101241412
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)
Violation Description Failed to provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples for the July 1, 2019 through December 31, 2019 monitoring period and regarding the failure to conduct water quality parameter sampling for the July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, and July 1, 2019 through December 31, 2019 monitoring periods.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|---|---------------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | | x | | | 10.0% |
| 100% of the rule requirements were not met. | | | | | |

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 4 507 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$2,000

Four single events are recommended, one for each notification.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$16 **Violation Final Penalty Total** \$2,800

This violation Final Assessed Penalty (adjusted for limits) \$2,800

Economic Benefit Worksheet

Respondent Victoria's Platinum Properties, LLC (PCW No. 1)
Case ID No. 60817
Reg. Ent. Reference No. RN101241412
Media Public Water Supply
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$100 | 10-May-2021 | 28-Apr-2022 | 0.97 | \$5 | n/a | \$5 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$100 | 10-Jan-2020 | 28-Apr-2022 | 2.30 | \$11 | n/a | \$11 |

The training/sampling delayed cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance.

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$16



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|-------------|
| DATES | Assigned | 24-May-2021 | Screening | 1-Jun-2021 | EPA Due | 30-Sep-2021 |
| | PCW | 2-Jun-2021 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Victoria's Platinum Properties, LLC (PCW No. 2) |
| Reg. Ent. Ref. No. | RN101241412 |
| Facility/Site Region | 14-Corpus Christi |
| Major/Minor Source | Minor |

| | | | |
|--|---------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 60817 | No. of Violations | 2 |
| Docket No. | 2021-0697-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Ecko Beggs |
| | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

Penalty Calculation Section

| | | |
|---|-------------------|--------------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$300 |
|---|-------------------|--------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|--------------|------------|--------------------------------|--------------|
| Compliance History | 40.0% | Adjustment | Subtotals 2, 3, & 7 | \$120 |
|---------------------------|--------------|------------|--------------------------------|--------------|

Notes: Enhancement for four NOV's with the same/similar violations, and one Agreed Order containing a denial of liability.

| | | | | | |
|--------------------|----|-------------|-------------|-------------------|------------|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|-------------|-------------|-------------------|------------|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|------------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|------------|

| | | | | |
|-------------------------|-------------|--------------|-------------------|------------|
| Economic Benefit | 0.0% | Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------|--------------|-------------------|------------|

Total EB Amounts: \$74
 Estimated Cost of Compliance: \$111
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|--------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$420 |
|-----------------------------|-----------------------|--------------|

| | | | |
|---|--------------|------------|-------------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 15.7% | Adjustment | \$66 |
|---|--------------|------------|-------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 1.

| | |
|-----------------------------|--------------|
| Final Penalty Amount | \$486 |
|-----------------------------|--------------|

| | | |
|-----------------------------------|-------------------------------|--------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$486 |
|-----------------------------------|-------------------------------|--------------|

| | | | | |
|-----------------|-------------|-----------|-------------------|------------|
| DEFERRAL | 0.0% | Reduction | Adjustment | \$0 |
|-----------------|-------------|-----------|-------------------|------------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

| | |
|------------------------|--------------|
| PAYABLE PENALTY | \$486 |
|------------------------|--------------|

Screening Date 1-Jun-2021

Docket No. 2021-0697-PWS-E

PCW

Respondent Victoria's Platinum Properties, LLC (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 60817

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101241412

Media Public Water Supply

Enf. Coordinator Ecko Beggs

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>) | 4 | 20% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| 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) 40%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with the same/similar violations, and one Agreed Order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 1-Jun-2021 **Docket No.** 2021-0697-PWS-E **PCW**
Respondent Victoria's Platinum Properties, LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60817 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101241412
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2018.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | x | | | 10.0% |

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events: 1 Number of violation days: 700

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$66 **Violation Final Penalty Total** \$162

This violation Final Assessed Penalty (adjusted for limits) \$162

Economic Benefit Worksheet

Respondent Victoria's Platinum Properties, LLC (PCW No. 2)
Case ID No. 60817
Reg. Ent. Reference No. RN101241412
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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 prepare and mail or directly deliver the most recent CCR to the customers of the Facility and to the TCEQ is captured in the Economic Benefit Worksheet of Penalty Calculation Worksheet 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 | \$61 | 1-Jul-2019 | 1-Jun-2021 | 1.92 | \$5 | \$61 | \$66 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The ONE-TIME avoided cost includes the estimated amount to prepare and mail or directly deliver the 2018 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 21 connections) + \$50) x one year], calculated from the due date of the 2018 CCR to the date of screening.

Approx. Cost of Compliance

\$61

TOTAL

\$66

Screening Date 1-Jun-2021 **Docket No.** 2021-0697-PWS-E **PCW**
Respondent Victoria's Platinum Properties, LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60817 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101241412
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|----------------------|--------------------------------|----------------------|----------------------|------------------------------------|
| | <input type="text"/> | <input type="text" value="x"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="10.0%"/> |

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
|---------------|--------------------------------|----------------------------------|
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> |
| N/A | <input type="text" value="x"/> | <input type="text"/> |

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Victoria's Platinum Properties, LLC (PCW No. 2)
Case ID No. 60817
Reg. Ent. Reference No. RN101241412
Media Public Water Supply
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|------|-------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 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) | \$50 | 20-Jan-2019 | 28-Apr-2022 | 3.27 | \$8 | n/a | \$8 |

Notes for DELAYED costs

The training/sampling delayed cost to implement procedures to ensure that all necessary public notifications are provided in a timely manner are captured in the Economic Benefit Worksheet for Violation No. 3, Penalty Calculation Worksheet No. 1.

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$8

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN605186014, RN101241412, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605186014, Victoria's Platinum Properties, LLC **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN101241412, THE ESTATES OF SANDY HILLS **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 775 GUADALUPE ROAD IN VICTORIA, VICTORIA COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2350009

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: October 15, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 15, 2016 to October 15, 2021

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

Name: Ecko Beggs **Phone:** (915) 834-4968

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: 03/10/2020 ADMINORDER 2018-1629-PWS-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: ARS MCL 3Q2018 - During the 3rd quarter of 2018 the system violated the maximum contaminant level for arsenic with a RAA of 0.011 mg/L.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: ARS MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for arsenic with a RAA of 0.014 mg/L.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(n)
 Description: LCR WQP MR 1st 6M2018 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2018 monitoring period at entry point location 775 Guadalupe Rd, Victoria (PBCU002) and the distribution system.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
Description: Failed to maintain a record of the amount of each chemical used each week.
Classification: Minor

Self Report? NO For Informational Purposes Only

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

7 Date: 10/11/2019 (1722462) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2018 - The system failed to provide the Consumer Confidence Report (CCR) for 2018 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

8 Date: 11/21/2019 (1722462) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: LCR WQP PN 1st 6M2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a water quality parameter monitoring and reporting violation for the monitoring period from 01/01/2018 to 06/30/2018 at the entry point and the distribution system.

9 Date: 06/10/2020 (1722462) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: LCR WQP PN 2nd 6M2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a water quality parameter monitoring and reporting violation for the monitoring period from 07/01/2018 to 12/31/2018 at the entry point and the distribution system.

10* Date: 10/16/2020 (1722462) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2019 - The system failed to provide the Consumer Confidence Report (CCR) for 2019 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

11* Date: 10/20/2020 (1722462) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: LCR WQP PN 1st 6M2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a water quality parameter monitoring and reporting violation for the monitoring period from 01/01/2019 to 06/30/2019 at the entry point and the distribution system.

12* Date: 04/26/2021 (1722462) Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: LCR RT MR PN 2nd 6M2019 - Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 07/01/2019 to 12/31/2019.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: LCR WQP PN 2nd 6M2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a water quality parameter monitoring and reporting violation for the monitoring period from 07/01/2019 to 12/31/2019 at the entry point and the distribution system.

13* Date: 05/06/2021 (1722462) Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: LCR LCN 2nd 6M2020- The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2020 to 12/31/2020.

* NOV's applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

Appendix B

All Investigations Conducted During Component Period October 15, 2016 and October 15, 2021

- Item 1 November 12, 2018** (1526721) For Informational Purposes Only
- Item 2 November 16, 2018** (1527056) For Informational Purposes Only
- Item 3* December 11, 2018** (1532679) For Informational Purposes Only
- Item 4 August 19, 2019** (1579531) For Informational Purposes Only
- Item 5 February 05, 2020** (1625836) For Informational Purposes Only
- Item 6 May 27, 2020** (1644684) For Informational Purposes Only
- Item 7 May 18, 2021** (1722462) For Informational Purposes Only
- Item 8 May 21, 2021** (1722722) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VICTORIA'S PLATINUM
PROPERTIES, LLC
RN101241412**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0697-PWS-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Victoria's Platinum Properties, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, presented this Order to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 775 Guadalupe Road in Victoria, Victoria County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 21 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on May 10, 2021 through May 21, 2021, an investigator documented that:
 - a. The Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and did not submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar years 2018 and 2019;

- b. The Respondent did not provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and did not mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2020 through December 31, 2020 monitoring period; and
- c. The Respondent did not provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples for the July 1, 2019 through December 31, 2019 monitoring period, regarding the failure to conduct water quality parameter sampling for the January 1, 2018 through June 30, 2018, July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, and July 1, 2019 through December 31, 2019 monitoring periods, and regarding the failure to provide the results of arsenic sampling for the fourth quarter of 2017.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples, regarding the failure to conduct water quality parameter sampling, and regarding the failure to provide the results of arsenic sampling, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of \$4,686 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$4,686 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 6 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Victoria's Platinum Properties, LLC, Docket No. 2021-0697-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274;
 - ii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the July 1, 2020 through December 31, 2020 monitoring period. Submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117;
 - iii. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples for the July 1, 2019 through December 31, 2019 monitoring period, regarding the failure to conduct water quality parameter sampling for the January 1, 2018 through June 30, 2018, July 1, 2018 through December 31, 2018,

January 1, 2019 through June 30, 2019, and July 1, 2019 through December 31, 2019 monitoring periods, and regarding the failure to provide the results of arsenic sampling for the fourth quarter of 2017, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f); and

- iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122.
- b. Within 45 days after the effective date of this Order:
- i. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:
 - CCR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Submit written certification as described in Ordering Provision No. 2.c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iv.
- c. Within 60 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.i. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and

may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

Victoria's Platinum Properties, LLC
Docket No. 2021-0697-PWS-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



9/28/2022

For the Executive Director

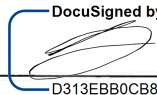
Date

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

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

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

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

DocuSigned by:

D313EBB0CB804DE...

Signature

7/21/2022

Date

Brian H. Ferguson

Member

Name (Printed or typed)
Authorized Representative of
Victoria's Platinum Properties, LLC

Title

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

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