

Executive Summary – Enforcement Matter – Case No. 54618
Los Botines Water Supply Corporation
RN106716442
Docket No. 2021-1011-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

A violation of a commission issued enforcement order or court order.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Los Botines WSC, 469 Well Lane near Laredo, Webb County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0291-UTL-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 22, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$143,830

Amount Deferred for Financial Inability to Pay: \$143,830

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

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan:

Compliance History Classifications:

Person/CN - N/A

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: June 17, 2021, July 13, 2021, August 2, 2021 through August 13, 2021, and August 4, 2021

Date(s) of NOE(s): Junly 22, 2021, July 30, 2021, and August 13, 2021

Executive Summary – Enforcement Matter – Case No. 54618
Los Botines Water Supply Corporation
RN106716442
Docket No. 2021-1011-PWS-E

Violation Information

1. Failed to calibrate the Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
2. Failed 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 [30 TEX. ADMIN. CODE § 290.46(t)].
3. Failed to operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A), TEX. HEALTH & SAFETY CODE § 341.033(a), and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.i].
4. Failed to 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) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.c.ii].
5. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids [30 TEX. ADMIN. CODE § 290.46(m)(4) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.i].
6. Failed to maintain at the public water system accurate and up-to-date detailed 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) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.ii].
7. Failed to keep on file copies of well completion data for as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.iii].
8. Failed to provide a minimum pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.g].
9. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director ("ED") upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(A)(ii)(III) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.i].

Executive Summary – Enforcement Matter – Case No. 54618
Los Botines Water Supply Corporation
RN106716442
Docket No. 2021-1011-PWS-E

10. Failed to inspect the Facility's ground storage tank ("GST") annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.ii].
11. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.v].
12. Failed to maintain 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) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.iii].
13. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.iv].
14. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iii) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.d].
15. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the ED [30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.ix].
16. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the ED by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.iv].
17. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of 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) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision Nos. 2.a.iii and 2.b.ii].
18. Failed to provide the results of nitrate, volatile organic chemical ("VOC") contaminants, and Stage 2 disinfection byproducts sampling to the ED [30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.115(e) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.v].

Executive Summary – Enforcement Matter – Case No. 54618
Los Botines Water Supply Corporation
RN106716442
Docket No. 2021-1011-PWS-E

19. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92400043 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Calibrate the Facility's well meters;

ii. Begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license;

iii. Compile and maintain properly completed water works operation and maintenance records, including, but not limited to records of each chemical used each week and the amount of water distributed each week;

iv. Conduct an inspection of the Facility's GST;

v. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels. This provision will be satisfied upon three months of consecutive compliant monthly flushing;

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

vii. Monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days;

viii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the ED within ten days following the end of each monitoring period;

ix. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the ED within ten days following the end of the

Executive Summary – Enforcement Matter – Case No. 54618
Los Botines Water Supply Corporation
RN106716442
Docket No. 2021-1011-PWS-E

monitoring period. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the ED for one compliant monitoring period;

x. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs;

xi. 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;

xii. Ensure that all delinquent drinking water chemical analysis results for nitrate, VOC contaminants, and Stage 2 disinfection byproducts are reported to the ED;

xiii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for nitrate, VOC contaminants, and Stage 2 disinfection byproducts are released by the Facility's laboratories and reported to the ED within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first; and

xiv. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92400043.

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; and

ii. Submit written certification to demonstrate compliance with a.i. through a.iv., a.vi. through a.viii., and a.x. through a.xiii.

c. Within 60 days:

i. Provide a legible sign at each production, treatment, and storage facility with an emergency phone number where a responsible official can be contacted;

ii. Develop and maintain a 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;

iii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight

Executive Summary – Enforcement Matter – Case No. 54618
Los Botines Water Supply Corporation
RN106716442
Docket No. 2021-1011-PWS-E

condition, including but not limited to repairing or replacing the GST to ensure that it is free from cracks or leaks; and

iv. Submit written certification to demonstrate compliance with b.i.

d. Within 75 days, submit written certification to demonstrate compliance with c.i. through c.iii.

e. Within 90 days:

i. 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;

ii. Keep on file copies of well completion data for the well; and

iii. Begin submitting DLQORs to the ED by the tenth day of the month following the end of each quarter. The provision will be satisfied upon one quarter of compliant reporting.

f. Within 105 days, submit written certification to demonstrate compliance with e.i. and e.ii.

g. Within 135 days, submit written certification to demonstrate compliance with a.v.

h. Within 180 days:

i. Provide a pressure tank capacity of at least 20 gallons per connection; and

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

i. Within 195 days, submit written certification to demonstrate compliance with e.iii., h.i., and h.ii.

j. Within 225 days, submit written certification to demonstrate compliance with a.ix.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ronica Rodriguez Scott, Enforcement Division, Enforcement Team 5, MC R-14, (361) 881-6990; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Sandra Rocha Taylor, Member, Los Botines Water Supply Corporation, P.O. Box 451131, Laredo, Texas 78045

Respondent's Attorney: N/A

Screening Date

19-Aug-2021

Docket No.

2021-1011-PWS-E

PCW

Respondent

Los Botines Water Supply Corporation (PCW No. 1)

Case ID No.

54618

Reg. Ent. Reference No.

RN106716442

Media

Public Water Supply

Enf. Coordinator

Amanda Conner

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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)90%

>> 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 five NOVs with the same/similar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%90%

Screening Date		19-Aug-2021	Docket No.		2021-1011-PWS-E	PCW	
Respondent		Los Botines Water Supply Corporation (PCW No. 1)				<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.		54618				<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No.		RN106716442					
Media		Public Water Supply					
Enf. Coordinator		Amanda Conner					
Violation Number		<input type="text" value="1"/>					
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.117(c)(2)(A), (h), and (i)(1) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.ix"/>					
Violation Description		<input type="text" value="Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 monitoring period."/>					
						Base Penalty	<input type="text" value="\$1,000"/>
>> Environmental, Property and Human Health Matrix							
OR	Release		Harm				
		Major	Moderate	Minor			
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>			
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="15.0%"/>	
>> Programmatic Matrix							
	Falsification	Major	Moderate	Minor			
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="0.0%"/>	
Matrix Notes	<input type="text" value="Failure to collect lead and copper tap samples could expose person served by the Facility to undetected contaminants which would exceed levels protective of human health."/>						
						Adjustment	<input type="text" value="\$850"/>
							<input type="text" value="\$150"/>
Violation Events							
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="52"/>		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"/>					
<input type="text" value="One single event is recommended."/>							
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>		Reduction		<input type="text" value="\$0"/>	
	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	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>						
						Violation Subtotal	<input type="text" value="\$150"/>
Economic Benefit (EB) for this violation				Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$167"/>		Violation Final Penalty Total		<input type="text" value="\$285"/>	
						This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$285"/>

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 1)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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 implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and reported to the Executive Director is assessed in the Economic Benefit Worksheet for Violation No. 1 on PCW 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	\$150	30-Jun-2019	19-Aug-2021	2.14	\$17	\$150	\$167
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 samples x five missed samples x one monitoring period), calculated from the date in which sampling was required to the date of screening.						

Approx. Cost of Compliance	\$150	TOTAL	\$167
----------------------------	-------	-------	-------

Screening Date 19-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 1)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 2					
Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.iv					
Violation Description		Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the first and second quarters of 2019.			
		Base Penalty		\$1,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 0.0%
Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events

2

143

Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

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

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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$49

Violation Final Penalty Total

\$380

This violation Final Assessed Penalty (adjusted for limits)

\$380

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 1)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner is assessed in the Economic Benefit Worksheet for Violation No. 2 on PCW 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
Other (as needed)	\$22	10-Apr-2019	19-Aug-2021	2.36	\$3	\$22	\$25
Other (as needed)	\$22	10-Jul-2019	19-Aug-2021	2.11	\$2	\$22	\$24

Notes for AVOIDED costs

Each avoided cost includes the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x one report each), calculated from the date each report was due to the date of screening.

Approx. Cost of Compliance \$44

TOTAL \$49

Screening Date 19-Aug-2021 Respondent Los Botines Water Supply Corporation (PCW No. 1) Case ID No. 54618 Reg. Ent. Reference No. RN106716442 Media Public Water Supply Enf. Coordinator Amanda Conner	Docket No. 2021-1011-PWS-E <div style="text-align: right; color: red; font-size: small;"> Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 </div>	PCW
--	---	------------

Violation Number	3	Rule Cite(s)	
		30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision Nos. 2.a.iii and 2.b.ii	
Violation Description		Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of 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		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="10.0%"/>

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

Adjustment	\$900
-------------------	-------

	\$100
--	-------

Violation Events

Number of Violation Events	1		61	Number of violation days
----------------------------	---	--	----	--------------------------

	daily	<input type="text"/>	Violation Base Penalty <input style="width: 100px;" type="text" value="\$100"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="text" value="x"/>	

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$100
---------------------------	-------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$73
----------------------------	------

Statutory Limit Test

Violation Final Penalty Total	\$190
--------------------------------------	-------

This violation Final Assessed Penalty (adjusted for limits)	\$190
--	-------

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 1)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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				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 assessed in the Economic Benefit Worksheet for Violation No. 3 on PCW 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	\$66	1-Jul-2019	19-Aug-2021	2.14	\$7	\$66	\$73
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The 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 31 connections) + \$50) x one year], calculated from the due date of the 2018 CCR to the date of screening.						

Approx. Cost of Compliance	\$66	TOTAL	\$73
----------------------------	------	-------	------

Screening Date

19-Aug-2021

Docket No.

2021-1011-PWS-E

PCW

Respondent

Los Botines Water Supply Corporation (PCW No. 2)

Case ID No.

54618

Reg. Ent. Reference No.

RN106716442

Media

Public Water Supply

Enf. Coordinator

Amanda Conner

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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)

90%

>> 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 five NOVs with the same/similar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability.

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

90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

90%

Screening Date	19-Aug-2021	Docket No.	2021-1011-PWS-E	PCW
Respondent	Los Botines Water Supply Corporation (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	54618			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106716442			
Media	Public Water Supply			
Enf. Coordinator	Amanda Conner			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.117(c)(2)(A), (h), and (i)(1) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.ix			
Violation Description	Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, and July 1, 2020 through December 31, 2020 monitoring periods.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			
	Potential	x		
		Percent	15.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	Failure to collect lead and copper tap samples could expose person served by the Facility to undetected contaminants which would exceed levels protective of human health.			
	Adjustment	\$4,250		
		\$750		
Violation Events				
	Number of Violation Events	3	718	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
	Violation Base Penalty	\$2,250		
	Three single events are recommended (one for each monitoring period).			
Good Faith Efforts to Comply				
		0.0%	Reduction	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	\$2,250		
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$577	Violation Final Penalty Total	\$4,275
	This violation Final Assessed Penalty (adjusted for limits)			\$4,275

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 2)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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	\$100	13-Jul-2021	28-Aug-2022	1.13	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and reported to the Executive Director, calculated from the date of 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	\$554	31-Dec-2020	19-Aug-2021	0.63	\$17	\$554	\$571
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples ((\$30 samples x five missed samples x three monitoring periods) + accrued interest), calculated from the last date in which sampling was required to the date of screening.						

Approx. Cost of Compliance	\$654	TOTAL	\$577
----------------------------	-------	-------	-------

Screening Date 19-Aug-2021 Respondent Los Botines Water Supply Corporation (PCW No. 2) Case ID No. 54618 Reg. Ent. Reference No. RN106716442 Media Public Water Supply Enf. Coordinator Amanda Conner	Docket No. 2021-1011-PWS-E <div style="text-align: right; color: red; font-size: small;">Policy Revision 5 (January 28, 2021)</div> <div style="text-align: right; color: blue; font-size: small;">PCW Revision February 11, 2021</div>	PCW
--	---	------------

Violation Number	2	Rule Cite(s)	30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.iv
Violation Description	Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2019 through the first quarter of 2021.		

Base Penalty	\$5,000
---------------------	---------

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment	\$4,500
-------------------	---------

	\$500
--	-------

Violation Events

Number of Violation Events	7	718	Number of violation days
----------------------------	---	-----	--------------------------

	daily	<input type="text"/>	Violation Base Penalty	\$3,500
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		

Seven single events are recommended (one for each report).
--

Good Faith Efforts to Comply

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

Violation Subtotal	\$3,500
---------------------------	---------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$172	
----------------------------	-------	--

Statutory Limit Test

Violation Final Penalty Total	\$6,650
--------------------------------------	---------

This violation Final Assessed Penalty (adjusted for limits)	\$6,650
--	---------

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 2)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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	\$45	13-Jul-2021	28-Aug-2022	1.13	\$3	n/a	\$3
Training/Sampling	\$100	13-Jul-2021	28-Aug-2022	1.13	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Record Keeping System (\$45) and Training/Sampling (\$100) delayed costs include the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the 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	\$160	10-Apr-2021	19-Aug-2021	0.36	\$3	\$160	\$163
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance \$305

TOTAL \$172

Screening Date 19-Aug-2021 Respondent Los Botines Water Supply Corporation (PCW No. 2) Case ID No. 54618 Reg. Ent. Reference No. RN106716442 Media Public Water Supply Enf. Coordinator Amanda Conner	Docket No. 2021-1011-PWS-E <div style="text-align: right; color: red; font-size: small;">Policy Revision 5 (January 28, 2021)</div> <div style="text-align: right; color: blue; font-size: small;">PCW Revision February 11, 2021</div>	PCW
--	---	------------

Violation Number	3	
Rule Cite(s)		30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision Nos. 2.a.iii and 2.b.ii
Violation Description		Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of 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		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> 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	414	Number of violation days
----------------------------	---	-----	--------------------------

	daily		Violation Base Penalty \$500
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

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

Estimated EB Amount	\$74	Statutory Limit Test
----------------------------	------	-----------------------------

Violation Final Penalty Total	\$950
--------------------------------------	-------

This violation Final Assessed Penalty (adjusted for limits)	\$950
--	-------

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 2)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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				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)	\$66	13-Jul-2021	28-Aug-2022	1.13	\$4	n/a	\$4
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 31 connections) + \$50) x one year], 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	\$66	1-Jul-2020	19-Aug-2021	1.13	\$4	\$66	\$70
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2019 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 31 connections) + \$50) x one year], calculated from the due date of the 2019 CCR to the date of screening.						

Approx. Cost of Compliance	\$132	TOTAL	\$74
----------------------------	-------	--------------	------

Screening Date 19-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 2)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number		4			
Rule Cite(s)		30 Tex. Admin. Code §§ 290.106(e), 290.107(e), and 290.115(e) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.v			
Violation Description		Failed to provide the results of nitrate, volatile organic chemical ("VOC") contaminants, and Stage 2 disinfection byproducts sampling to the Executive Director for the January 1, 2019 through December 31, 2019 and January 1, 2020 through December 31, 2020 monitoring periods.			
		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		6		718 Number of violation days	
		daily			
		weekly			
		monthly			
		quarterly			
		semiannual			
		annual			
		single event	x		
		Violation Base Penalty \$3,000			
		Six single events are recommended (one for each sample per year).			
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		\$3,000	
>> Economic Benefit (EB) for this violation					
>> Statutory Limit Test					
Estimated EB Amount		\$34		Violation Final Penalty Total \$5,700	
		This violation Final Assessed Penalty (adjusted for limits)		\$5,700	

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 2)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	13-Jul-2021	28-Aug-2022	1.13	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$340	10-Jan-2021	28-Aug-2022	1.63	\$28	n/a	\$28

Notes for DELAYED costs

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

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees ((\$8.49 for nitrate, \$55.12 for VOC contaminants, and \$103.85 for disinfection byproducts for the January 1, 2019 through December 31, 2019 monitoring period) and (\$8.74 for nitrate, \$56.77 for VOC contaminants, and \$106.96 for disinfection byproducts for the January 1, 2020 through December 31, 2020 monitoring period)) so that the lab will release all drinking water chemical analysis results, calculated from the date the latest sampling results were 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 \$440

TOTAL \$34



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	2-Aug-2021			
	PCW	23-Aug-2021	Screening	4-Aug-2021	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Los Botines Water Supply Corporation (PCW No. 3)				
Reg. Ent. Ref. No.	RN106716442				
Facility/Site Region	16-Laredo		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	54618	No. of Violations	6
Docket No.	2021-1011-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Amanda Conner
		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	\$2,800
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	90.0%	Adjustment	Subtotals 2, 3, & 7	\$2,520
---------------------------	-------	------------	--------------------------------	---------

Notes	Enhancement for five NOV's with the same/similar violations, two agreed orders containing a denial of liability, and one agreed order without 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	\$0	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$0	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,320
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		Final Penalty Amount	\$5,320
--------------	--	-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,320
-----------------------------------	-------------------------------	---------

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	\$5,320
------------------------	---------

Screening Date

4-Aug-2021

Docket No.

2021-1011-PWS-E

PCW

Respondent

Los Botines Water Supply Corporation (PCW No. 3)

Case ID No.

54618

Reg. Ent. Reference No.

RN106716442

Media

Public Water Supply

Enf. Coordinator

Amanda Conner

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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)

90%

>> 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 five NOVs with the same/similar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability.

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

90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

90%

Screening Date	4-Aug-2021	Docket No.	2021-1011-PWS-E	PCW	
Respondent	Los Botines Water Supply Corporation (PCW No. 3)			<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	54618			<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No.	RN106716442				
Media	Public Water Supply				
Enf. Coordinator	Amanda Conner				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.i				
Violation Description	Failed to operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license.				
Base Penalty				\$1,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to operate the Facility under direct supervision of an operator with the appropriate license may result in poor plant operation which could expose persons served by the Facility to contaminants which would exceed levels that are protective of human health.				
Adjustment				\$850	
					\$150
>> Violation Events					
Number of Violation Events		7	193	Number of violation days	
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
				Violation Base Penalty	\$1,050
Seven monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0846-PWS-E, February 19, 2019, to August 31, 2019.					
Good Faith Efforts to Comply		0.0%	Reduction		\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary				
	N/A	x			
	Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$1,050	
>> Economic Benefit (EB) for this violation					
>> Statutory Limit Test					
Estimated EB Amount		\$0	Violation Final Penalty Total		\$1,995
This violation Final Assessed Penalty (adjusted for limits)				\$1,995	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Los Botines Water Supply Corporation (PCW No. 3) 54618 RN106716442 Public Water Supply 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

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

The avoided cost to ensure that the Facility is operated under the direct supervision of a water works operator who holds a Class "D" or higher license is assessed in the Economic Benefit Worksheet for Violation No. 3 on PCW No. 4.

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 3)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 2					
Rule Cite(s)		30 Tex. Admin. Code § 290.46(m)(4) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.i			
Violation Description		Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, the ground storage tank ("GST") had cracks and leaks.			
		Base Penalty		\$1,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 5.0%
Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to maintain the GST in a watertight condition could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events

3

193

Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$150

Three quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0846-PWS-E, February 19, 2019, to August 31, 2019.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$0

Violation Final Penalty Total

\$285

This violation Final Assessed Penalty (adjusted for limits)

\$285

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Los Botines Water Supply Corporation (PCW No. 3) 54618 RN106716442 Public Water Supply 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost to repair or replace the GST such that it is free from cracks and leaks, is assessed in the Economic Benefit Worksheet for Violation No. 5 on PCW No. 4.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0 TOTAL \$0

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 3)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 3					
Rule Cite(s)		30 Tex. Admin. Code § 290.45(b)(1)(B)(iv) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.g			
Violation Description		Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 31 connections requiring a pressure tank capacity of 620 gallons. However, only 84 gallons of tank capacity were provided, indicating an 86% deficiency.			
		Base Penalty		\$1,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 15.0%
Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

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

Adjustment

\$850

\$150

Violation Events

Number of Violation Events	7	193	Number of violation days
----------------------------	---	-----	--------------------------

	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty

\$1,050

Seven monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0846-PWS-E, February 19, 2019, to August 31, 2019.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Notes

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

Violation Subtotal

\$1,050

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$0	Violation Final Penalty Total	\$1,995
This violation Final Assessed Penalty (adjusted for limits)		\$1,995	

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 3)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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				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 pressure tank capacity of at least 620 gallons is assessed in the Economic Benefit Worksheet for Violation No. 8 on PCW No. 4.						

Avoided Costs

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

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

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date

4-Aug-2021

Docket No.

2021-1011-PWS-E

PCW

Respondent

Los Botines Water Supply Corporation (PCW No. 3)

Case ID No.

54618

Reg. Ent. Reference No.

RN106716442

Media

Public Water Supply

Enf. Coordinator

Amanda Conner

Violation Number

4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(l) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.v

Violation Description

Failed to flush all dead-end mains at monthly intervals.

Base Penalty

\$1,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Actual			
Potential		x	

Percent5.0%

>>Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent0.0%

Matrix Notes

Failure to flush dead-end mains at monthly intervals could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment\$950

Violation Events

Number of Violation Events

1

67

Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty\$50

One quarterly event is recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E, June 25, 2019, to August 31, 2019.

Good Faith Efforts to Comply

0.0%

Reduction\$0

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

Notes

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

Violation Subtotal\$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$0

Violation Final Penalty Total

\$95

This violation Final Assessed Penalty (adjusted for limits)

\$95

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 3)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost to initiate a monthly flushing program is assessed in the Economic Benefit Worksheet for Violation No. 11 on PCW No. 4.						

Avoided Costs

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

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

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 3)		<i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>			
Case ID No. 54618					
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 5					
Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.iv					
Violation Description		Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, the Respondent was monitoring the disinfectant residual monthly.			
		Base Penalty		\$1,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 5.0%
Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$950

\$50

Violation Events

Number of Violation Events		1	67		Number of violation days	
----------------------------	--	---	----	--	--------------------------	--

	daily		Violation Base Penalty \$50
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

One quarterly event is recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E, June 25, 2019, to August 31, 2019.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal

\$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$0	Violation Final Penalty Total	\$95
This violation Final Assessed Penalty (adjusted for limits)		\$95	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Los Botines Water Supply Corporation (PCW No. 3) 54618 RN106716442 Public Water Supply 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

The delayed cost to monitor the disinfectant residual at least once every seven days is assessed in the Economic Benefit Worksheet for Violation No. 13 on PCW No. 4.

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

The avoided cost to monitor the disinfectant residual at least once every seven days is assessed in the Economic Benefit Worksheet for Violation No. 13 on PCW No. 4.

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 4-Aug-2021 Respondent Los Botines Water Supply Corporation (PCW No. 3) Case ID No. 54618 Reg. Ent. Reference No. RN106716442 Media Public Water Supply Enf. Coordinator Amanda Conner		Docket No. 2021-1011-PWS-E <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	PCW																	
Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(B)(iii) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.d Violation Description Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, the Facility had 31 connections requiring a service pump capacity of 62 gpm. However, only one service pump with a capacity of 20 gpm was provided, indicating a 68% deficiency.		Base Penalty \$1,000																		
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1"> <thead> <tr> <th>Release</th> <th colspan="3">Harm</th> </tr> <tr> <th></th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td>x</td> <td></td> <td></td> </tr> </tbody> </table>			Release	Harm				Major	Moderate	Minor	Actual				Potential	x			Percent 15.0%
	Release	Harm																		
	Major	Moderate	Minor																	
Actual																				
Potential	x																			
>> Programmatic Matrix																				
Matrix Notes	<table border="1"> <thead> <tr> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Falsification	Major	Moderate	Minor					Percent 0.0%								
	Falsification	Major	Moderate	Minor																
Failure to provide the minimum number of service pumps with adequate service capacity could result in water outages and low pressure problems, exposing persons served by the Facility to contaminants that would exceed levels protective of human health.																				
Adjustment			\$850																	
			\$150																	
Violation Events																				
Number of Violation Events 3		67 Number of violation days																		
<table border="1"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td>x</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></td></tr> </tbody> </table>		daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty \$450				
daily																				
weekly																				
monthly	x																			
quarterly																				
semiannual																				
annual																				
single event																				
Three monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E, June 25, 2019, to August 31, 2019.																				
Good Faith Efforts to Comply		0.0%	Reduction \$0																	
<table border="1"> <thead> <tr> <th></th> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </tr> </thead> <tbody> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td>x</td> <td></td> </tr> </tbody> </table>			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.						
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary																				
Ordinary																				
N/A	x																			
Violation Subtotal			\$450																	
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount \$0		Violation Final Penalty Total \$855																		
This violation Final Assessed Penalty (adjusted for limits)			\$855																	

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 3)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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 two or more service pumps with a total capacity of at least 2.0 gpm per connection is assessed in the Economic Benefit Worksheet for Violation No. 14 on PCW No. 4.						

Avoided Costs

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

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

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date

4-Aug-2021

Docket No.

2021-1011-PWS-E

PCW

Respondent

Los Botines Water Supply Corporation (PCW No. 4)

Case ID No.

54618

Reg. Ent. Reference No.

RN106716442

Media

Public Water Supply

Enf. Coordinator

Amanda Conner

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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)

90%

>> 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 five NOVs with the same/similar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability.

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

90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

90%

Screening Date	4-Aug-2021	Docket No.	2021-1011-PWS-E	PCW
Respondent	Los Botines Water Supply Corporation (PCW No. 4)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	54618			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106716442			
Media	Public Water Supply			
Enf. Coordinator	Amanda Conner			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(1)			
Violation Description	Failed to calibrate the Facility's well meter at least once every three years.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential			
			Percent	3.0%
>> Programmatic Matrix				
	Falsification	Major Moderate Minor		
			Percent	0.0%
Matrix Notes	Failure to calibrate the Facility's well meter could result in inaccurate or unavailable water usage and production data, resulting in persons served by the Facility being exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.			
		Adjustment	\$4,850	
			\$150	
Violation Events				
	Number of Violation Events	1	48	Number of violation days
	daily weekly monthly quarterly semiannual annual single event			
			Violation Base Penalty	\$150
	One single event is recommended.			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Extraordinary Ordinary N/A			
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$150	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$33	Violation Final Penalty Total	\$285
	This violation Final Assessed Penalty (adjusted for limits)			\$285

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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	\$31	17-Jun-2021	28-Aug-2022	1.20	\$2	n/a	\$2
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 calibrate the Facility's well meter, 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	\$31	17-Jun-2021	4-Aug-2021	0.13	\$0	\$31	\$31
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to calibrate the Facility's well meter, calculated from the date of the investigation to the date of screening.						

Approx. Cost of Compliance \$62

TOTAL \$33

Screening Date

4-Aug-2021

Docket No.

2021-1011-PWS-E

PCW

Respondent

Los Botines Water Supply Corporation (PCW No. 4)

Case ID No.

54618

Reg. Ent. Reference No.

RN106716442

Media

Public Water Supply

Enf. Coordinator

Amanda Conner

Violation Number

2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(t)

Violation Description

Failed 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.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent0.0%

>>Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent10.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment

\$4,500

\$500

Violation Events

Number of Violation Events

1

48

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

\$9

Violation Final Penalty Total

\$950

This violation Final Assessed Penalty (adjusted for limits)

\$950

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

Los Botines Water Supply Corporation (PCW No. 4)

54618

RN106716442

Public Water Supply

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)	\$100	17-Jun-2021	27-Sep-2022	1.28	\$0	\$9	\$9
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 post a legible sign at the Facility, 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

\$100

TOTAL

\$9

Screening Date 4-Aug-2021 Respondent Los Botines Water Supply Corporation (PCW No. 4) Case ID No. 54618 Reg. Ent. Reference No. RN106716442 Media Public Water Supply Enf. Coordinator Amanda Conner	Docket No. 2021-1011-PWS-E <div style="text-align: right; color: red; font-size: small;">Policy Revision 5 (January 28, 2021)</div> <div style="text-align: right; color: blue; font-size: small;">PCW Revision February 11, 2021</div>	PCW
---	---	------------

Violation Number	3		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.i		
Violation Description	Failed to operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license.		
		Base Penalty	\$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to operate the Facility under direct supervision of an operator with the appropriate license may result in poor plant operation which could expose persons served by the Facility to contaminants which would exceed levels that are protective of human health.
--------------	--

Adjustment	\$4,250
\$750	

Violation Events

Number of Violation Events	24	703	Number of violation days
----------------------------	----	-----	--------------------------

	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

Violation Base Penalty	\$18,000
-------------------------------	----------

Twenty-four monthly events are recommended, calculated from September 1, 2019 to the August 4, 2021 screening date.	
---	--

Good Faith Efforts to Comply

	0.0%	
		Reduction
		\$0

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

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

Violation Subtotal	\$18,000
---------------------------	----------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$23,607	Violation Final Penalty Total	\$34,200
This violation Final Assessed Penalty (adjusted for limits)		\$34,200	

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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				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	\$9,048	19-Feb-2019	4-Aug-2021	2.46	\$1,371	\$22,236	\$23,607
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 Class "D" or higher license (\$17.40 per hour x 10 hours per week), annualized, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0846-PWS-E to the date of screening.						

Approx. Cost of Compliance	\$22,236	TOTAL	\$23,607
----------------------------	----------	--------------	----------

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 4)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 4					
Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.c.ii					
Violation Description Failed to 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.					
		Base Penalty		\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 0.0%
Potential				

>> 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

897

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 Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	19-Feb-2019	27-Sep-2022	3.61	\$32	n/a	\$32
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 effective date of TCEQ Agreed Order Docket No. 2017-0846-PWS-E to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$180	TOTAL	\$32
----------------------------	-------	-------	------

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 4)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 5					
Rule Cite(s)		30 Tex. Admin. Code § 290.46(m)(4) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.i			
Violation Description		Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, the ground storage tank ("GST") had cracks and leaks.			
		Base Penalty		\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 5.0%
Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to maintain the GST in a watertight condition could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events		8	703		Number of violation days
	daily		Violation Base Penalty \$2,000		
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Eight quarterly events are recommended, calculated from September 1, 2019 to the August 4, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Notes

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

Violation Subtotal

\$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$1,262	Violation Final Penalty Total	\$3,800
This violation Final Assessed Penalty (adjusted for limits)		\$3,800	

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	19-Feb-2019	27-Sep-2022	3.61	\$60	\$1,202	\$1,262
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 repair or replace the GST such that it is free from cracks and leaks, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0846-PWS-E to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$5,000	TOTAL	\$1,262
----------------------------	---------	--------------	---------

Screening Date 4-Aug-2021 Respondent Los Botines Water Supply Corporation (PCW No. 4) Case ID No. 54618 Reg. Ent. Reference No. RN106716442 Media Public Water Supply Enf. Coordinator Amanda Conner	Docket No. 2021-1011-PWS-E <div style="text-align: right; color: red; font-size: small;">Policy Revision 5 (January 28, 2021)</div> <div style="text-align: right; color: blue; font-size: small;">PCW Revision February 11, 2021</div>	PCW
---	---	------------

Violation Number	6	Rule Cite(s)	
		30 Tex. Admin. Code § 290.46(n)(1) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.ii	
Violation Description		Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned.	

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> 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	897	Number of violation days
----------------------------	--	--	--------------------------

	daily		Violation Base Penalty \$500
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	
	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	\$33
	Violation Final Penalty Total \$950
This violation Final Assessed Penalty (adjusted for limits) \$950	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Los Botines Water Supply Corporation (PCW No. 4) 54618 RN106716442 Public Water Supply 6

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	19-Feb-2019	27-Oct-2022	3.69	\$33	n/a	\$33
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 at the public water system 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 effective date of TCEQ Agreed Order Docket No. 2017-0846-PWS-E to the estimated date of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$180	TOTAL	\$33
----------------------------	-------	-------	------

Screening Date

4-Aug-2021

Docket No.

2021-1011-PWS-E

PCW

Respondent

Los Botines Water Supply Corporation (PCW No. 4)

Case ID No.

54618

Reg. Ent. Reference No.

RN106716442

Media

Public Water Supply

Enf. Coordinator

Amanda Conner

Violation Number

7

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.iii

Violation Description

Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

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

897

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

\$33

Violation Final Penalty Total

\$950

This violation Final Assessed Penalty (adjusted for limits)

\$950

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	19-Feb-2019	27-Oct-2022	3.69	\$33	n/a	\$33
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 well completion data at the Facility, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0846-PWS-E to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance \$180

TOTAL \$33

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 4)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 8					
Rule Cite(s)		30 Tex. Admin. Code § 290.45(b)(1)(B)(iv) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.g			
Violation Description		Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 31 connections requiring a pressure tank capacity of 620 gallons. However, only 84 gallons of tank capacity were provided, indicating an 86% deficiency.			
		Base Penalty		\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 15.0%
Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

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

Adjustment

\$4,250

\$750

Violation Events

Number of Violation Events	24	703	Number of violation days
----------------------------	----	-----	--------------------------

daily		Violation Base Penalty \$18,000
weekly		
monthly	x	
quarterly		
semiannual		
annual		
single event		

Twenty-four monthly events are recommended, calculated from September 1, 2019 to the August 4, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Notes

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

Violation Subtotal

\$18,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$275	Violation Final Penalty Total	\$34,200
This violation Final Assessed Penalty (adjusted for limits)		\$34,200	

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment	\$1,000	19-Feb-2019	25-Jan-2023	3.93	\$13	\$262	\$275
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide a pressure tank capacity of at least 620 gallons, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0846-PWS-E to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$1,000	TOTAL	\$275
----------------------------	---------	-------	-------

Screening Date 4-Aug-2021 Respondent Los Botines Water Supply Corporation (PCW No. 4) Case ID No. 54618 Reg. Ent. Reference No. RN106716442 Media Public Water Supply Enf. Coordinator Amanda Conner	Docket No. 2021-1011-PWS-E <div style="text-align: right; color: red; font-size: small;">Policy Revision 5 (January 28, 2021)</div> <div style="text-align: right; color: blue; font-size: small;">PCW Revision February 11, 2021</div>	PCW
---	---	------------

Violation Number	9		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(A)(ii)(III) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.i		
Violation Description	Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of each chemical used each week and the amount of water distributed each week were not maintained on-site for review.		

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		

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

Adjustment	\$4,950
-------------------	---------

	\$50
--	------

Violation Events

Number of Violation Events	1		771	Number of violation days
----------------------------	---	--	-----	--------------------------

	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

One single event is recommended.	
----------------------------------	--

Good Faith Efforts to Comply	0.0%		Reduction	\$0
-------------------------------------	------	--	------------------	-----

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

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

Violation Subtotal	\$50
---------------------------	------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$7	Violation Final Penalty Total	\$95
----------------------------	-----	--------------------------------------	------

This violation Final Assessed Penalty (adjusted for limits)	\$95
--	------

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Los Botines Water Supply Corporation (PCW No. 4) 54618 RN106716442 Public Water Supply 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	25-Jun-2019	28-Aug-2022	3.18	\$7	n/a	\$7
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them available for inspection upon request by the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$7

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 4)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 10					
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.ii					
Violation Description Failed to inspect the Facility's ground storage tank ("GST") annually.					
		Base Penalty		\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 5.0%
Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to inspect the Facility's GST on an annual basis could cause non-detection of defects and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events

2

771

Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty

\$500

Two single events are recommended, one for each missed inspection.

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

\$98

Violation Final Penalty Total

\$950

This violation Final Assessed Penalty (adjusted for limits)

\$950

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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)	\$41	25-Jun-2019	28-Aug-2022	3.18	\$7	n/a	\$7
Notes for DELAYED costs	The delayed cost includes the estimated amount to conduct an annual tank inspection, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E to the estimated date of compliance.						

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$82	25-Jun-2019	4-Aug-2021	2.11	\$9	\$82	\$91
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to conduct an annual GST inspection, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E to the date of screening.						

Approx. Cost of Compliance	\$123	TOTAL	\$98
----------------------------	-------	-------	------

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 4)		Policy Revision 5 (January 28, 2021)			
Case ID No. 54618		PCW Revision February 11, 2021			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 11					
Rule Cite(s) 30 Tex. Admin. Code § 290.46(l) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.v					
Violation Description		Failed to flush all dead-end mains at monthly intervals.			
		Base Penalty		\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 5.0%
Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to flush dead-end mains at monthly intervals could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events	8	703	Number of violation days
----------------------------	---	-----	--------------------------

	daily		Violation Base Penalty \$2,000
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Eight quarterly events are recommended, calculated from September 1, 2019 to the August 4, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Notes

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

Violation Subtotal

\$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$17

Violation Final Penalty Total

\$3,800

This violation Final Assessed Penalty (adjusted for limits)

\$3,800

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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)	\$100	25-Jun-2019	26-Nov-2022	3.42	\$17	n/a	\$17
Notes for DELAYED costs	The delayed cost includes the estimated amount to initiate a monthly flushing program, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$100	TOTAL	\$17
----------------------------	-------	-------	------

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 4)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 12					
Rule Cite(s)		30 Tex. Admin. Code § 290.46(n)(2) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.iii			
Violation Description		Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.			
		Base Penalty		\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 0.0%
Potential				

>> 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

771

Number of violation days

daily		Violation Base Penalty \$500
weekly		
monthly		
quarterly		
semiannual		
annual		
single event	x	

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

\$16

Violation Final Penalty Total

\$950

This violation Final Assessed Penalty (adjusted for limits)

\$950

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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				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	25-Jun-2019	28-Aug-2022	3.18	\$16	n/a	\$16
Notes for DELAYED costs	The delayed cost includes the estimated amount to make available and accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$100	TOTAL	\$16
----------------------------	-------	-------	------

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 4)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 13					
Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.iv					
Violation Description		Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, the Respondent was monitoring the disinfectant residual monthly.			
		Base Penalty		\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 5.0%
Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events

8

703

Number of violation days

	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Eight quarterly events are recommended, calculated from September 1, 2019 to the August 4, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$13

Violation Final Penalty Total

\$3,800

This violation Final Assessed Penalty (adjusted for limits)

\$3,800

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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)	\$10	25-Jun-2019	28-Aug-2022	3.18	\$2	n/a	\$2
Notes for DELAYED costs	The delayed cost includes the estimated amount to monitor the disinfectant residual at least once every seven days (\$10 per week), calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E to the estimated date of compliance.						

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$10	25-Jun-2019	4-Aug-2021	2.11	\$1	\$10	\$11
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to monitor the disinfectant residual at least once every seven days, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E to the date of screening.						

Approx. Cost of Compliance \$20

TOTAL \$13

Screening Date 4-Aug-2021		Docket No. 2021-1011-PWS-E		PCW	
Respondent Los Botines Water Supply Corporation (PCW No. 4)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 54618		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN106716442					
Media Public Water Supply					
Enf. Coordinator Amanda Conner					
Violation Number 14					
Rule Cite(s)		30 Tex. Admin. Code § 290.45(b)(1)(B)(iii) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.d			
Violation Description		Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, the Facility had 31 connections requiring a service pump capacity of 62 gpm. However, only one service pump with a capacity of 20 gpm was provided, indicating a 68% deficiency.			
		Base Penalty		\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 15.0%
Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to provide the minimum number of service pumps with adequate pump capacity could result in water outages and low pressure problems, exposing persons served by the Facility to contaminants that would exceed levels protective of human health.

Adjustment

\$4,250

\$750

Violation Events

Number of Violation Events	24	703	Number of violation days
----------------------------	----	-----	--------------------------

	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty

\$18,000

Twenty-four monthly events are recommended, calculated from September 1, 2019 to the August 4, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Notes

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

Violation Subtotal

\$18,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$503	Violation Final Penalty Total	\$34,200
This violation Final Assessed Penalty (adjusted for limits)		\$34,200	

Economic Benefit Worksheet

Respondent Los Botines Water Supply Corporation (PCW No. 4)
Case ID No. 54618
Reg. Ent. Reference No. RN106716442
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	\$2,000	25-Jun-2019	25-Jan-2023	3.59	\$24	\$479	\$503
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide two or more service pumps with a total capacity of at least 2.0 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1113-PWS-E to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$2,000	TOTAL	\$503
----------------------------	---------	-------	-------

Screening Date

4-Aug-2021

Docket No.

2021-1011-PWS-E

PCW

Respondent

Los Botines Water Supply Corporation (PCW No. 4)

Case ID No.

54618

Reg. Ent. Reference No.

RN106716442

Media

Public Water Supply

Enf. Coordinator

Amanda Conner

Violation Number

15

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702

Violation Description

Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92400043 for Fiscal Years 2020 and 2021.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Adjustment

\$5,000

\$0

Violation Events

Number of Violation Events

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

Violation Base Penalty

\$0

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

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

Violation Subtotal

\$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$0

Violation Final Penalty Total

\$0

This violation Final Assessed Penalty (adjusted for limits)

\$0

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Los Botines Water Supply Corporation (PCW No. 4) 54618 RN106716442 Public Water Supply 15

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 CN605346915, RN106716442, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605346915, Los Botines Water Supply Corporation
Regulated Entity: RN106716442, LOS BOTINES WSC
Complexity Points: N/A
CH Group: 14 - Other
Location: 469 Well Lane near Laredo, Webb County, Texas
TCEQ Region: REGION 16 - LAREDO
ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2400043
Compliance History Period: September 01, 2016 to August 31, 2021
Date Compliance History Report Prepared: December 14, 2021
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: December 14, 2016 to December 14, 2021
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Amanda Conner
Phone: (512) 239-2521
Classification: NOT APPLICABLE
Rating: N/A
Repeat Violator: N/A
Rating Year: 2021
Rating Date: 09/01/2021

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: 02/19/2019 ADMINORDER 2017-0846-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
5A THSC Chapter 341, SubChapter A 341.033(a)
Description: Failure to employ an operator with a class "D" or higher license.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(1)
30 TAC Chapter 290, SubChapter D 290.42(e)(3)
Description: Failure to provide disinfection facilities for all groundwater supplies for the purpose of microbiological control and distribution.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)
Description: Failure to maintain a monitoring plan.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to maintain an intruder resistant fence.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to properly maintain ground storage tank.
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)

Description: Failed to maintain accurate and up-to-date detailed as-built plans or record drawings for each treatment plant, pump station, and storage tank at the public water system until the facility is decommissioned

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(c)(7)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2015 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2015 to 12/31/2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(c)(2)
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR YR2015 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2015 to 12/31/2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine MR Violation 03/2016 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine MR Violation 02/2016 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine MR Violation 01/2016 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine MR Violation 12/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine MR Violation 11/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine MR Violation 10/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine MR Violation 09/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
5A THSC Chapter 341, SubChapter A 341.033(d)

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine MR Violation 07/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.115(e)

Description: DBP2 MR YR2016 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2016 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.115(e)

Description: DBP2 MR YR2015 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2015 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RT MR 2nd 6M2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2016 to 12/31/2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RT MR 1st 6M2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2016 to 06/30/2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RT MR 2nd 6M2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2015 to 12/31/2015 within the required timeline.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

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

Classification: Minor

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

Description: Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service.

2 Effective Date: 06/25/2019 ADMINORDER 2018-1113-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failure to record the amount of water treated and distributed on a weekly basis.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failure to record the amount of each chemical used per week.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to conduct an annual tank inspection on the ground storage tank.

Classification: Moderate

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

Description: Failure to flush dead-end mains on a monthly basis.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to maintain a distribution system map.

Classification: Moderate

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

Description: Failure to monitor the chlorine residual in the distribution system on a weekly basis.

Classification: Major

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

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

Description: Failure to maintain two or more service pumps having a total capacity of 2.0 gpm per connection.

3 Effective Date: 08/10/2021 ADMINORDER 2019-0220-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MTL/MIN/CYN MR 3Y2016 - The system failed to monitor and/or report metal/mineral/cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2014 to 12/31/2016 within the required timeline.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC MR 3Y2016 - The system failed to monitor and/or report synthetic organic contaminants levels to the TCEQ for the triennial monitoring period from 01/01/2014 to 12/31/2016 within the required timeline.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.108(e)

30 TAC Chapter 290, SubChapter F 290.108(f)(3)

30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 3Y2016 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the triennial monitoring period from 01/01/2014 to 12/31/2016 within the required timeline.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 2Q2017 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the second quarter of 2017.

Classification: Moderate

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

Description: DLQOR MR PN 1Q2017 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2017.

Classification: Moderate

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

Description: LCR RT MR PN 1st 6M2017 - 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 01/01/2017 to 06/30/2017.

Classification: Moderate

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

Description: NO3 MR PN YR2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2016 to 12/31/2016.

Classification: Moderate

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

Description: VOC MR PN YR2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a volatile organic contaminants monitoring and reporting violation for the annual monitoring period from 01/01/2016 to 12/31/2016.

Classification: Moderate

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

Description: SOC 504, 515, 531, Group SOC5 MR PN 3Y2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a synthetic organic contaminants (group SOC5, method 504, 515, and 531) monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Moderate

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

Description: MTL/MIN/CYN MR PN 3Y2016 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 metal/mineral/cyanide monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Moderate

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

Description: RAD MR PN 3Y2016 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 radionuclide monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Minor

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

Description: Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 92400043 for Fiscal Year 2018.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

N/A

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.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
Description:	DLQOR MR 3Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2020 within the required timeline.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(1)		
Description:	LCR RT MR 2nd 6M2020 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2020 to 12/31/2020 within the required timeline.		

Description: DBP2 MR YR2020 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2020 to 12/31/2020.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
Description:	DLQOR MR 4Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2020 within the required timeline.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
Description:	DLQOR MR 1Q2021 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2021 within the required timeline.		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LOS BOTINES WATER SUPPLY
CORPORATION
RN106716442

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2021-1011-PWS-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 469 Well Lane near Laredo, Webb County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 31 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 an investigation conducted on June 17, 2021, an investigator documented that:
 - a. The Respondent did not calibrate the Facility's well meter at least once every three years.
 - b. The Respondent did not 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.
 - c. The Respondent did not operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license.

- d. The Respondent did not 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.
 - e. The ground storage tank ("GST") had cracks and leaks.
 - f. The Respondent did not maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned.
 - g. The Respondent did not keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service.
 - h. The Facility had 31 connections requiring a pressure tank capacity of 620 gallons. However, only 84 gallons of tank capacity were provided, indicating an 86% deficiency.
 - i. Records of each chemical used each week and the amount of water distributed each week were not maintained on-site for review.
 - j. The Respondent did not inspect the Facility's GST annually.
 - k. The Respondent did not flush all dead-end mains at monthly intervals.
 - l. The Respondent did not maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.
 - m. The Respondent was monitoring the disinfectant residual monthly.
 - n. The Facility had 31 connections requiring a service pump capacity of 62 gallons per minute ("gpm"). However, only one service pump with a capacity of 20 gpm was provided, indicating a 68% deficiency.
3. During record reviews conducted on July 13, 2021 and August 2, 2021 through August 13, 2021, investigators documented that:
- a. The Respondent did not collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019, July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, and July 1, 2020 through December 31, 2020 monitoring periods.
 - b. The Respondent did not submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the

end of each quarter for the first quarter of 2019 through the first quarter of 2021.

- c. The Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and did not submit to the TCEQ by July 1 of 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.
 - d. The Respondent did not provide the results of nitrate, volatile organic chemical ("VOC") contaminants, and Stage 2 disinfection byproducts sampling to the Executive Director for the January 1, 2019 through December 31, 2019 and January 1, 2020 through December 31, 2020 monitoring periods.
4. During a record review conducted on August 4, 2021, an investigator documented that the Respondent did not pay annual Public Health Service fees and/or any associated late fees for the TCEQ Financial Administration Account No. 92400043 for Fiscal Years 2020 and 2021.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed 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, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.i.
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to 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) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.c.ii.

6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.i.
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to maintain at the public water system accurate and up-to-date detailed 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) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.ii.
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.iii.
9. As evidenced by Finding of Fact No. 2.h, the Respondent failed to provide a minimum pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.g.
10. As evidenced by Finding of Fact No. 2.i, the Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(A)(ii)(III) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.i.
11. As evidenced by Finding of Fact No. 2.j, the Respondent failed to inspect the Facility's GST annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.ii.
12. As evidenced by Finding of Fact No. 2.k, the Respondent failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.v.
13. As evidenced by Finding of Fact No. 2.l, the Respondent failed to maintain 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) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.iii.
14. As evidenced by Finding of Fact No. 2.m, the Respondent failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.a.iv.
15. As evidenced by Finding of Fact No. 2.n, the Respondent failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of 30 TEX.

ADMIN. CODE § 290.45(b)(1)(B)(iii) and TCEQ Agreed Order Docket No. 2018-1113-PWS-E, Ordering Provision No. 2.d.

16. As evidenced by Finding of Fact No. 3.a, the Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.ix.
17. As evidenced by Finding of Fact No. 3.b, the Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.e.iv.
18. As evidenced by Finding of Fact No. 3.c, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of 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) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision Nos. 2.a.iii and 2.b.ii.
19. As evidenced by Finding of Fact No. 3.d, the Respondent failed to provide the results of nitrate, VOC contaminants, and Stage 2 disinfection byproducts sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.115(e) and TCEQ Agreed Order Docket No. 2017-0846-PWS-E, Ordering Provision No. 2.a.v.
20. As evidenced by Finding of Fact No. 4, the Respondent failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92400043, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.
21. 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.
22. An administrative penalty in the amount of \$143,830 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Revenue Operations Section of TCEQ's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all or part of the penalty and qualifies for a deferral of all or part of the penalty under TEX. WATER CODE § 7.034. Therefore, \$143,830 of the penalty is deferred contingent upon the Respondent's compliance with all the terms of this Order and shall be waived only upon full compliance with all of the terms and conditions in this Order. If the Respondent fails to comply with any requirement of this Order, including any payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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. 22 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: Los Botines Water Supply Corporation, Docket No. 2021-1011-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. Calibrate the Facility's well meters, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Compile and maintain properly completed water works operation and maintenance records, including, but not limited to records of each chemical used each week and the amount of water distributed each week, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iv. Conduct an inspection of the Facility's GST, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - v. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels, in accordance with 30 TEX. ADMIN. CODE § 290.46. This provision will be satisfied upon three months of consecutive compliant monthly flushing;
 - vi. 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;

- vii. Monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - viii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117;
 - ix. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the Executive Director for one compliant monitoring period;
 - x. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - xi. 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;
 - xii. Ensure that all delinquent drinking water chemical analysis results for nitrate, VOC contaminants, and Stage 2 disinfection byproducts are reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE §§ 290.106, 290.107, and 290.115;
 - xiii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for nitrate, VOC contaminants, and Stage 2 disinfection byproducts are released by the Facility's laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance 30 TEX. ADMIN. CODE §§ 290.106, 290.107, and 290.115; and
 - xiv. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92400043. The payment shall be sent with the notation "Los Botines Water Supply Corporation, Financial Administration Account No. 92400043" to the address listed in Ordering Provision No. 1.
- 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.j 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, 2.a.vi through 2.a.viii, and 2.a.x through 2.a.xiii.
- c. Within 60 days after the effective date of this Order:
 - i. Provide a legible sign at each production, treatment, and storage facility with an emergency phone number where a responsible official can be contacted, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Develop and maintain a 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 accordance with 30 TEX. ADMIN. CODE § 290.121;
 - iii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to repairing or replacing the GST to ensure that it is free from cracks or leaks, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.i.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i through 2.c.iii.
- e. Within 90 days after the effective date of this Order:

- i. 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;
- ii. Keep on file copies of well completion data for the well as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), in accordance with 30 TEX. ADMIN. CODE § 290.46; and
- iii. Begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. The provision will be satisfied upon one quarter of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii.
- g. Within 135 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.v.
- h. Within 180 days after the effective date of this Order:
 - i. Provide a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide two or more service pumps having a total capacity of at least 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- i. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.iii, 2.h.i, and 2.h.ii.
- j. Within 225 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.a.ix. 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:

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

with a copy to:

Water Section Manager
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

and 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

4/8/2024

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.

Signature

Date

1-25-2023

Name (Printed or typed)
Authorized Representative of
Los Botines Water Supply Corporation

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.