

Executive Summary – Enforcement Matter – Case No. 62119
EL CAMINO BAY PROPERTY OWNERS ASSOCIATION
RN101199560
Docket No. 2022-0332-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

El Camino Bay Water System, 118 Lakeview Drive, Hemphill, Sabine County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 5, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,925

Total Paid to General Revenue: \$2,925

Total Due to General Revenue: \$0

Payment Plan: N/A

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: March 7, 2022 through March 18, 2022

Date(s) of NOE(s): March 18, 2022

Violation Information

1. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

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EL CAMINO BAY PROPERTY OWNERS ASSOCIATION
RN101199560
Docket No. 2022-0332-PWS-E

2. Failed to comply with the MCL of 0.060 milligrams per liter for haloacetic acids based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) AND TEX. HEALTH & SAFETY CODE § 341.0315(c)].

3. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11641 [30 TEX. ADMIN. CODE § 291.76 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, submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 11641 for calendar year 2021.

b. Within 365 days:

i. Return to compliance with the MCL for total trihalomethanes based on the locational running annual average; and

ii. Return to compliance with the MCL for haloacetic acids based on the locational running annual average.

c. Within 380 days, submit written certification to demonstrate compliance with b.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ashley Lemke, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1118; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: John Ducote, President, EL CAMINO BAY PROPERTY OWNERS ASSOCIATION, 118 Lakeview Drive, Hemphill, Texas 75948

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Mar-2022			
	PCW	24-Mar-2022	Screening	21-Mar-2022	EPA Due 31-Mar-2022

RESPONDENT/FACILITY INFORMATION	
Respondent	EL CAMINO BAY PROPERTY OWNERS ASSOCIATION
Reg. Ent. Ref. No.	RN101199560
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62119	No. of Violations	3
Docket No.	2022-0332-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ashley Lemke
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	17.0% Adjustment	Subtotals 2, 3, & 7	\$425
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Notes: Enhancement for three NOV's with the same or similar violations and one NOV with dissimilar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,314
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,925
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$2,925
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,925
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$2,925
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Screening Date 21-Mar-2022

Docket No. 2022-0332-PWS-E

PCW

Respondent EL CAMINO BAY PROPERTY OWNERS ASSOCIATION

Policy Revision 5 (January 28, 2021)

Case ID No. 62119

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101199560

Media Public Water Supply

Enf. Coordinator Ashley Lemke

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>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 17%

>> 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 three NOVs with the same or similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 17%

Screening Date 21-Mar-2022

Docket No. 2022-0332-PWS-E

PCW

Respondent EL CAMINO BAY PROPERTY OWNERS ASSOCIATION

Policy Revision 5 (January 28, 2021)

Case ID No. 62119

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101199560

Media Public Water Supply

Enf. Coordinator Ashley Lemke

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 1 were 0.106 mg/L for the third quarter of 2021, 0.132 mg/L for the fourth quarter of 2021, and 0.218 mg/L for the first quarter of 2022.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 25.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment \$3,750

\$1,250

Violation Events

Number of Violation Events 1

273 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$1,250

One annual 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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$701

Violation Final Penalty Total \$1,463

This violation Final Assessed Penalty (adjusted for limits) \$1,463

Economic Benefit Worksheet

Respondent EL CAMINO BAY PROPERTY OWNERS ASSOCIATION
Case ID No. 62119
Reg. Ent. Reference No. RN101199560
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Sep-2021	2-Oct-2023	2.01	\$33	\$668	\$701
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 investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance 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 \$701

Screening Date 21-Mar-2022 **Docket No.** 2022-0332-PWS-E **PCW**
Respondent EL CAMINO BAY PROPERTY OWNERS ASSOCIATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 62119 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101199560
Media Public Water Supply
Enf. Coordinator Ashley Lemke

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to comply with the MCL of 0.060 mg/L for haloacetic acids ("HAA5") based on the locational running annual average. Specifically, the locational running annual average concentrations of HAA5 for Stage 2 Disinfection Byproducts at Site 1 were 0.072 mg/L for the fourth quarter of 2021 and 0.111 mg/L for the first quarter of 2022.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		x		Percent 25.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

Matrix Notes Exceeding the MCL for HAA5 caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels that are protective of human health.

Adjustment \$3,750

\$1,250

Violation Events

Number of Violation Events 1 181 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$1,250

One annual 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 \$1,250

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

Estimated EB Amount \$613 **Violation Final Penalty Total** \$1,463

This violation Final Assessed Penalty (adjusted for limits) \$1,463

Economic Benefit Worksheet

Respondent EL CAMINO BAY PROPERTY OWNERS ASSOCIATION
Case ID No. 62119
Reg. Ent. Reference No. RN101199560
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Dec-2021	2-Oct-2023	1.75	\$29	\$584	\$613
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 investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for HAA5, calculated from the last day of the first quarter of noncompliance 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 \$613

Screening Date 21-Mar-2022 **Docket No.** 2022-0332-PWS-E **PCW**
Respondent EL CAMINO BAY PROPERTY OWNERS ASSOCIATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 62119 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101199560
Media Public Water Supply
Enf. Coordinator Ashley Lemke

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> 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"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent EL CAMINO BAY PROPERTY OWNERS ASSOCIATION
Case ID No. 62119
Reg. Ent. Reference No. RN101199560
Media Violation No. Public Water Supply
 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				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 CN600626329, RN101199560, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN600626329, EL CAMINO BAY PROPERTY OWNERS ASSOCIATION	Classification: NOT APPLICABLE	Rating: N/A
Regulated Entity:	RN101199560, EL CAMINO BAY WATER SYSTEM	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	118 LAKEVIEW DRIVE, NEAR HEMPHILL, SABINE COUNTY, TEXAS		
TCEQ Region:	REGION 10 - BEAUMONT		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2020013 WATER LICENSING LICENSE 2020013		

Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year:	2021	Rating Date:	09/01/2021
Date Compliance History Report Prepared:	March 21, 2022				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	March 21, 2017 to March 21, 2022				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ashley Lemke		Phone:	(512) 239-1118	

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:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

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

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

1	Date:	08/19/2021	(1749400)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)			
	Description:	Failure to provide rate-of-flow controllers for the pressure filters.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)			
	Description:	Failure by the El Camino Bay water system to have a complete monitoring plan.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.111(h)			

Description: Failure by the El Camino Bay water system to properly complete the SMWOR.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)
Description: Failure by the El Camino Bay water system to maintain the records of the copies of monthly operating reports and any supporting documentation including turbidity monitoring results of the combined filter effluent for at least ten years.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)
Description: Failure by El Camino Bay to maintain an intruder-resistant fence.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(i)
Description: Failure by El Camino Bay to record the turbidity data electronically by a supervisory control and data acquisition system (SCADA) or on a strip chart.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ix)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)
Description: Failure by El Camino Bay to conduct all required chloramine effectiveness sampling and maintain record of the results for at least three years.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)
Description: Failure by El Camino Bay to properly calibrate the laboratory equipment that is used for compliance and maintain a record of the results for at least three years.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)
30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure by El Camino Bay to properly calibrate the flow meters at least every 12 months and maintain a copy of the records for at least three years.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure by El Camino Bay to conduct tank inspections on all storage tanks on an annual basis.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: Failure by El Camino Bay to have restricted zone signs in plain view of the public and visible from all parts of the restricted area.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(B)
Description: Failure by El Camino Bay to have raw water intakes not located within 1,000 feet of boat launching ramps, marinas, docks, or floating fishing piers which are accessible by the public.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)
Description: Failure by El Camino Bay to provide an acceptable backflow prevention device or air gap on the chemical make-up water supply line.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(D)
30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure by El Camino Bay to protect the dry chemicals from flooding or wetting.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)
Description: Failure by El Camino Bay to identify all influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
Description: Failure by El Camino Bay to notify the executive director prior to making any significant change to the water system's production, treatment, storage, pressure maintenance, or distribution facilities.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)
30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure by El Camino Bay to maintain plant equipment tight against leakage.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
Description: Failure by El Camino Bay to provide a flow-measuring device that measures the treated water used to backwash the filters.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failure by El Camino Bay to have all electrical wiring securely installed in compliance with a local or national electrical code.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
Description: Failure by El Camino Bay to have a pressure release device and easily readable pressure gauge on each pressure tank.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(iv)
Description: Failure by El Camino Bay to retain the turbidity monitoring results and reports for the individual filters for a period of five years after they are no longer in effect.

2 Date: 09/28/2021 (1802059)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 3Q2021 - During the third quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.106 mg/L at 137 Pine Tree, Pineland (DBP2-01).

3 Date: 12/15/2021 (1802059)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 4Q2021 - During the 4th quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.132 mg/L at 137 Pine Tree, Pineland (DBP2-01).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 4Q2021 - During the 4th quarter of 2021 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.072 mg/L at 137 Pine Tree, Pineland (DBP2-01).

4 Date: 03/02/2022 (1802059)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 1Q2022 - During the 1st quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.218 mg/L at 137 Pine Tree, Pineland (DBP2-01).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 1Q2022 - During the 1st quarter of 2022 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.111 mg/L at 137 Pine Tree, Pineland (DBP2-01).

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
EL CAMINO BAY PROPERTY OWNERS	§	
ASSOCIATION	§	ENVIRONMENTAL QUALITY
RN101199560	§	

AGREED ORDER DOCKET NO. 2022-0332-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding EL CAMINO BAY PROPERTY OWNERS ASSOCIATION (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 they have 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 118 Lakeview Drive near Hemphill, Sabine County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 120 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on March 7, 2022 through March 18, 2022, an investigator documented that:
 - a. The locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.106 milligrams per liter ("mg/L") for the third quarter of 2021, 0.132 mg/L for the fourth quarter of 2021, and 0.218 mg/L for the first quarter of 2022; and

- b. The locational running annual average concentrations of haloacetic acids ("HAA5") for Stage 2 Disinfection Byproducts at Site 1 were 0.072 mg/L for the fourth quarter of 2021 and 0.111 mg/L for the first quarter of 2022.
3. During a record review conducted on March 21, 2022, an investigator documented that the Respondent did not pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11641 for calendar year 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 comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 2.b., the Respondent failed to comply with the MCL of 0.060 mg/L for HAA5, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) AND TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. As evidenced by Finding of Fact No. 3, the Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11641, in violation of 30 TEX. ADMIN. CODE § 291.76 and TEX. WATER CODE § 5.702.
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of \$2,925 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$2,925 penalty.

III. ORDERING PROVISIONS

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

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

sent with the notation "Re: EL CAMINO BAY PROPERTY OWNERS ASSOCIATION, Docket No. 2022-0332-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, submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 11641 for calendar year 2021. The payment, along with the associated Revenue and Regulatory Assessment Reports, shall be sent to the address listed in Ordering Provision No. 1.
 - b. Within 365 days after the effective date of this Order:
 - i. Return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115; and
 - ii. Return to compliance with the MCL for HAA5, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - c. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.i and 2.b.ii. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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



For the Executive Director

11/7/2022

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 OAG 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 OAG 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

5-19-2022
Date

John D. Ducote
Name (Printed or typed)

President, El Camino Bay POA and WSC
Title

Authorized Representative of
EL CAMINO BAY PROPERTY OWNERS ASSOCIATION

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

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