

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62683
Maria Elena Gueta dba Maria Elena's Mobile Homes
RN105677447
Docket No. 2022-0915-PWS-E

Page 1 of 3

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five year period for the same violations.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1905 West Philips Street, Alvin, Brazoria County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$1,662
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: December 15, 2023

Comments Received: None

Penalty Information

Total Penalty Assessed: \$2,746

Total Paid to General Revenue: \$120

Total Due to General Revenue: \$2,626

Payment Plan: 26 payments of \$101 each

Compliance History Classifications:

Person/CN - N/A
Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: July 11, 2022 through July 22, 2022; August 8, 2022

Date(s) of NOV(s): September 30, 2021; December 17, 2021

Date(s) of NOE(s): July 22, 2022

Violation Information

1. Failed to mail or directly deliver one copy of the Consumer Confidence Report (“CCR”) to each bill paying customer by July 1 for each year and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar years 2016 through 2020 [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
2. 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 December 31, 2021 monitoring period [30 TEX. ADMIN. CODE § 290.117(c)(2)(C), (h), and (i)(1)].
3. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90200670 for Fiscal Year 2022 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. 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;
 - b. 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;
 - c. 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; and
 - d. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No.90200670.
2. Within 45 days:
 - a. 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
 - b. Submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. and 1.b.
3. Within 60 days submit written certification to demonstrate compliance with Technical Requirement No. 2.a.
4. Within 410 days submit written certification to demonstrate compliance with Technical Requirement No. 1.c.

Litigation Information

Date Petition(s) Filed:

July 6, 2023; August 1, 2023;

Date(s) of Service:

unclaimed; August 4, 2023

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62683
Maria Elena Gueta dba Maria Elena's Mobile Homes
RN105677447
Docket No. 2022-0915-PWS-E

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Contact Information

TCEQ Attorneys: Jennifer Peltier, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Daniel Brill, Enforcement Division, (512) 239-2564

TCEQ Regional Contact: Westin Massey, Houston Regional Office, (713) 767-3500

Respondent Contact: Maria Elena Gueta, P.O. Box 223, Pearland, Texas 77588

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	25-Jul-2022	Screening	27-Jul-2022	EPA Due	31-Dec-2022
	PCW	25-Jul-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 1)
Reg. Ent. Ref. No.	RN105677447
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	62683	No. of Violations	3
Docket No.	2022-0915-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Daniel Brill
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,750
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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	10.0%	Adjustment	Subtotals 2, 3, & 7	\$175
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Notes Enhancement for two NOVs with the same/similar 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 \$287
Estimated Cost of Compliance \$427
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,925
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OTHER FACTORS AS JUSTICE MAY REQUIRE	14.6%	Adjustment	\$281
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 and 2.

Final Penalty Amount	\$2,206
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,206
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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	\$2,206
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Screening Date	27-Jul-2022	Docket No.	2022-0915-PWS-E	PCW
Respondent	Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 1)			Policy Revision 5 (January 28, 2021)
Case ID No.	62683			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN105677447			
Media	Public Water Supply			
Enf. Coordinator	Daniel Brill			

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 10%

>> 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 two NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date	27-Jul-2022	Docket No.	2022-0915-PWS-E	PCW
Respondent	Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62683			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN105677447			
Media	Public Water Supply			
Enf. Coordinator	Daniel Brill			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)			
Violation Description	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar years 2019 and 2020.			
		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	2	755	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
			Violation Base Penalty \$1,000
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 \$1,000

Economic Benefit (EB) for this violation

Estimated EB Amount	\$127
Statutory Limit Test	
Violation Final Penalty Total	\$1,261
This violation Final Assessed Penalty (adjusted for limits)	\$1,261

Economic Benefit Worksheet

Respondent Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 1)
Case ID No. 62683
Reg. Ent. Reference No. RN105677447
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$58	1-Jul-2022	6-May-2023	0.85	\$2	n/a	\$2

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 15 connections) + \$50) x one year], calculated from the due date of the most recent CCR to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$119	1-Jul-2021	27-Jul-2022	1.07	\$6	\$119	\$125

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2019 and 2020 CCRs to the customers of the Facility and to the TCEQ [((((\$0.50 x 15 connections) + \$50) x two years)+accrued interest], calculated from the due date of the 2020 CCR to the date of screening.

Approx. Cost of Compliance

\$177

TOTAL

\$127

Screening Date	27-Jul-2022	Docket No.	2022-0915-PWS-E	PCW
Respondent	Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 1)			
Case ID No.	62683	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN105677447	<i>PCW Revision February 11, 2021</i>		
Media	Public Water Supply			
Enf. Coordinator	Daniel Brill			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.117(c)(2)(C), (h), and (i)(1)			
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 January 1, 2019 through December 31, 2021 monitoring period.			
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 collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.
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Adjustment	\$4,250
\$750	

Violation Events

Number of Violation Events	1	1095	Number of violation days
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	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

One single event is recommended.	Violation Base Penalty	\$750
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Good Faith Efforts to Comply

	0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$750

Economic Benefit (EB) for this violation

Estimated EB Amount	\$160	Statutory Limit Test	
Violation Final Penalty Total		\$945	
This violation Final Assessed Penalty (adjusted for limits)		\$945	

Economic Benefit Worksheet

Respondent Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 1)
Case ID No. 62683
Reg. Ent. Reference No. RN105677447
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	11-Jul-2022	6-May-2023	0.82	\$4	n/a	\$4
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 record review 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	\$150	30-Sep-2021	27-Jul-2022	0.82	\$6	\$150	\$156
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 per sample x five missed samples x one monitoring period), calculated from the last date in which sampling was required to the date of screening.

Approx. Cost of Compliance

\$250

TOTAL

\$160

Screening Date 27-Jul-2022 Respondent Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 1) Case ID No. 62683 Reg. Ent. Reference No. RN105677447 Media Public Water Supply Enf. Coordinator Daniel Brill	Docket No. 2022-0915-PWS-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	
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. 90200670 for Fiscal Year 2022.

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential				Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes					

Adjustment	\$5,000
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	\$0
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Violation Events

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

Violation Base Penalty	\$0
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All penalties and fees will be determined by the Financial Administration Division at the next billing cycle.

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	\$0
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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 Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 1)
Case ID No. 62683
Reg. Ent. Reference No. RN105677447
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	25-Jul-2022	Screening	27-Jul-2022	EPA Due	31-Dec-2022
	PCW	8-Aug-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 2)
Reg. Ent. Ref. No.	RN105677447
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	62683	No. of Violations	1
Docket No.	2022-0915-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Daniel Brill
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$300
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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	10.0%	Adjustment	Subtotals 2, 3, & 7	\$30
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Notes: Enhancement for two NOVs with the same/similar 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: \$210
Estimated Cost of Compliance: \$181
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$330
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OTHER FACTORS AS JUSTICE MAY REQUIRE	63.6%	Adjustment	\$210
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Reduces or enhances the Final Subtotal by the indicated percentage.

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

Final Penalty Amount	\$540
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$540
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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	\$540
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Screening Date	27-Jul-2022	Docket No.	2022-0915-PWS-E	PCW
Respondent	Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	62683			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN105677447			
Media	Public Water Supply			
Enf. Coordinator	Daniel Brill			

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 10%

>> 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 two NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date 27-Jul-2022 Respondent Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 2) Case ID No. 62683 Reg. Ent. Reference No. RN105677447 Media Public Water Supply Enf. Coordinator Daniel Brill Violation Number 1	Docket No. 2022-0915-PWS-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)		
Violation Description Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar years 2016 through 2018.		
Base Penalty		\$1,000
>> Environmental, Property and Human Health Matrix		
OR	Release Major Moderate Minor Actual Potential	Harm Percent 0.0%
>> 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 3		1852 Number of violation days
	daily weekly monthly quarterly semiannual annual single event x	Violation Base Penalty \$300
Three 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		\$300
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	\$210	Violation Final Penalty Total \$540
This violation Final Assessed Penalty (adjusted for limits)		\$540

Economic Benefit Worksheet

Respondent Maria Elena Gueta dba Maria Elena's Mobile Homes (PCW No. 2)
Case ID No. 62683
Reg. Ent. Reference No. RN105677447
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

The delayed cost including the estimated amount to prepare and mail or directly deliver the most recent CCR to the customers of the Facility and to the TCEQ is captured in the Economic Benefit Worksheet for Violation No. 1, PCW No. 1.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$181	1-Jul-2019	27-Jul-2022	3.07	\$29	\$181	\$210

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2016 through 2018 CCRs to the customers of the Facility and to the TCEQ [((((\$0.50 x 15 connections) + \$50) x three years)+accrued interest], calculated from the due date of the 2018 CCR to the date of screening.

Approx. Cost of Compliance

\$181

TOTAL

\$210



Compliance History Report

Compliance History Report for CN603440785, RN105677447, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN603440785, Maria Elena Gueta

Classification: NOT APPLICABLE

Rating: N/A

Regulated Entity: RN105677447, MARIA ELENA'S MOBILE HOMES

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 1905 WEST PHILIPS STREET IN ALVIN, BRAZORIA COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0200670

Compliance History Period: September 01, 2016 to August 31, 2021

Rating Year: 2021

Rating Date: 09/01/2021

Date Compliance History Report Prepared: July 25, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 25, 2017 to July 25, 2022

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

Name: Daniel Brill

Phone: (512) 239-2564

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.):

Item 1	December 03, 2019	(1609599)
Item 2	July 23, 2020	(1652617)

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: | 09/30/2021 | (1832743) | |
| | Self Report? | NO | | 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 2020 - The system failed to provide the Consumer Confidence Report (CCR) for 2020 to its bill-paying customers and/or the TCEQ by July 1st of the following year. ETT Point Value = 1 | | |

2	Date:	12/17/2021	(1832743)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(1)		
	Description:	LCR RD MR 3Y2021 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2019 to 12/31/2021 within the required timeline. ETT Point Value = 1; SAMPLES NOT COLLECTED		

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
MARIA ELENA GUETA DBA MARIA
ELENA'S MOBILE HOMES;
RN105677447

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2022-0915-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Maria Elena Gueta dba Maria Elena's Mobile Homes ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that she has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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 Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system ("PWS") located at 1905 West Philips Street in Alvin, Brazoria County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 15 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on July 11, 2022 through July 22, 2022, an investigator documented that Respondent:
 - a. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar years 2016 through 2020; and
 - b. 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 December 31, 2021 monitoring period.
3. During a record review conducted on August 8, 2022, TCEQ staff documented that the Respondent failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90200670 for Fiscal Year 2022.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar years 2016 through 2020, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
3. As evidenced by Finding of Fact No. 2.b., 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 for the January 1, 2019 through December 31, 2021 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(C), (h), and (i)(1).
4. As evidenced by Finding of Fact No. 3, Respondent failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90200670 for Fiscal Year 2022 in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of two thousand seven hundred forty-six dollars (\$2,746.00) 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). Respondent paid one hundred twenty dollars (\$120) of the penalty. The remaining amount of two thousand six hundred twenty-six dollars (\$2,626.00) shall be paid in twenty-six (26) monthly payments of one hundred one dollars (\$101.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative 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 Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Maria Elena Gueta dba Maria Elena's Mobile Homes, Docket No. 2022-0915-PWS-E" to:

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

2. Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order:
 - i. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274;
 - ii. 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;
 - iii. 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; and
 - iv. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90200670. The payment shall be sent with the notation "Maria Elena Gueta dba Maria Elena's Mobile Homes, Financial Administration Account No. 90200670" 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

- 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.e. to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.

- c. Within 60 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.e. to demonstrate compliance with Ordering Provision No. 2.b.i;
- d. Within 410 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.e. to demonstrate compliance with Ordering Provision No. 2.a.iii; and
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Section Manager, Public Drinking Water
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 Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas (“OAG”) to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ’s jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.

7. 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.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order 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

Erin E. Charnalor
For the Executive Director

1/8/24
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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Maria Elena Gueta
Signature - Maria Elena Gueta,
Trustee of the Gueta Family Trust
P.O. Box 223
Pearland, Texas 77588

11-12-2023
Date

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

COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS



EN LO REFERENTE A UNA ACCIÓN
EJECUTORIA EN RELACIÓN CON
MARIA ELENA GUETA, RAZÓN SOCIAL
"MARIA ELENA'S MOBILE HOMES";
RN105677447

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ANTE LA

COMISIÓN DE CALIDAD

AMBIENTAL DE TEXAS

SENTENCIA ACORDADA

EXPEDIENTE NÚM. 2022-0915-PWS-E

El _____, La Comisión de Calidad Ambiental de Texas ("la Comisión" o "la TCEQ") consideró este acuerdo entre las partes, resolviendo una acción ejecutoria en relación con Maria Elena Gueta, razón social "Maria Elena's Mobile Homes" ("la Demandada") bajo la autoridad del cap. 341 del CÓDIGO DE SALUD Y SEGURIDAD DEL ESTADO DE TEXAS y el cap. 5 del CÓDIGO DE AGUAS DE TEXAS. La Directora Ejecutiva de la TCEQ, representada por la División de Litigio, y la Demandada presentaron esta Sentencia ante La Comisión.

La Demandada comprende que ella cuenta con ciertos derechos procesales en ciertos puntos del proceso de ejecución, entre ellos el derecho al aviso formal de infracciones, a solicitar una audiencia probatoria y al derecho de apelación. Al participar en esta Sentencia, la Demandada acepta prescindir todos los derechos procesales y de aviso que pudieran de otra forma ser autorizados o requeridos en esta acción.

Asimismo, queda entendido y acordado que esta Sentencia representa el acuerdo completo y totalmente integrado de las partes. Las disposiciones en esta Sentencia se consideran divisibles y, si un juzgado de jurisdicción competente u otra autoridad apropiada considera que cualquier disposición en esta Sentencia es inejecutable, las disposiciones restantes serán válidas y ejecutables. Los deberes y responsabilidades impuestos por esta Sentencia son vinculantes para la Demandada.

La Comisión realiza las siguientes Conclusiones de Hecho y de Derecho:

CONCLUSIONES DE HECHO

1. La Demandada es propietaria y operadora de un Sistema público de aguas ("PWS," por sus siglas en inglés) ubicado en 1905 West Philips Street en Alvin, Condado de Brazoria, Texas (la "Instalación"). La Instalación provee agua para consumo humano, cuenta con aproximadamente 15 conexiones de servicio, y da servicio a por lo menos 25 personas por día durante al menos 60 días al año. Como tal, la Instalación es un PWS como lo define la sección 290.38(71) del TÍTULO 30 DEL CÓDIGO ADTVO. DE TEXAS.
2. Durante una revisión de registros llevada a cabo del 11 de julio de 2022 al 22 de julio de 2022, un investigador documentó que la Demandada:
 - a. No envió por correo ni entregó en persona una copia del Informe de Confianza del Consumidor ("CCR," por sus siglas en inglés) a cada cliente que pagó su factura antes del 1 de julio de cada año, ni tampoco presentó ante la TCEQ antes del 1 de julio de cada año una copia del CCR anual ni certificación de que el CCR se había distribuido a los clientes de la Instalación y que la información contenida en el CCR era correcta y coherente con información de seguimiento de cumplimiento para los años calendario 2016 a 2020; y

- b. No recolectó de muestras de plomo y cobre de agua de grifo en los cinco sitios de muestreo requeridos, no analizó las muestras, ni informó sobre los resultados a la Directora Ejecutiva durante el periodo de monitoreo del 1 de enero de 2019 al 31 de diciembre de 2021.
3. Durante una revisión de registros realizada el 8 de Agosto de 2022, el personal de la TCEQ documentó que la Demandada no pagó las tarifas anuales del Servicio de Salud Pública ni cualquier cargo por pagos atrasados asociados para la Cuenta de Administración Financiera de la TCEQ Núm. 90200670 para el Año Fiscal 2022.

CONCLUSIONES DE DERECHO

1. Como lo demuestra la Conclusión de Hecho Núm. 1, la Demandada está sujeta a la jurisdicción de la TCEQ de conformidad con el CÓDIGO DE SALUD Y SEGURIDAD DEL ESTADO DE TEXAS cap. 341 y el CÓDIGO DE AGUAS DE TEXAS cap. 5 y las normas de la TCEQ.
2. Como lo demuestra la Conclusión de Hecho Núm. 2.a., la Demandada no envió por correo ni entregó directamente una copia del CCR a cada cliente que pagó su factura antes del 1 de julio de cada año, ni tampoco presentó ante la TCEQ antes del 1 de julio de cada año una copia del CCR anual ni certificación de que el CCR había sido distribuido a los clientes de la Instalación y que la información contenida en el CCR era correcta y coherente con información de seguimiento de cumplimiento para los años calendario 2016 a 2020, infringiendo las secciones 290.271(b) y 290.24(a) y (c) del TÍTULO 30 DEL CÓDIGO ADTVO. DE TEXAS.
3. Como lo demuestra la Conclusión de Hecho Núm. 2.b., la Demandada no recolectó muestras de plomo y cobre de agua de grifo en los cinco sitios de muestreo requeridos, no analizó las muestras, ni informó sobre los resultados a la Directora Ejecutiva durante el periodo de monitoreo del 1 de enero de 2019 al 31 de diciembre de 2021, infringiendo la sección 290.117(c)(2)(C), (h) e (i)(1) del TÍTULO 30 DEL CÓDIGO ADTVO. DE TEXAS.
4. Como lo demuestra la Conclusión de Hecho Núm. 3, la Demandada no pagó las tarifas anuales del Servicio de Salud Pública o cualquier cargo por pagos atrasados asociados para la Cuenta de Administración Financiera de la TCEQ Núm. 90200670 para el Año Fiscal 2022, infringiendo la sección 5.702 del CÓDIGO DE AGUAS DE TEXAS y la sección 290.51(a)(6) del TÍTULO 30 DEL CÓDIGO ADTVO. DE TEXAS.
5. De conformidad con la sección 341.049(a) del CÓDIGO DE SALUD Y SEGURIDAD DEL ESTADO DE TEXAS, la TCEQ tiene la autoridad para imponer una sanción administrativa en contra de la Demandada por infracciones a los estatutos estatales dentro de la jurisdicción de la TCEQ, por infracciones a las normas adoptadas bajo dichos estatutos, o por las infracciones a órdenes o permisos emitidos bajo dichos estatutos.
6. Una sanción administrativa por la suma de dos mil setecientos cuarenta y seis dólares (USD 2746.00) está justificada por los hechos mencionados en esta Sentencia, y considerada a la luz de los factores establecidos en la sección 341.049(b) del CÓDIGO DE SALUD Y SEGURIDAD DEL ESTADO DE TEXAS. La Demandada pagó ciento veinte dólares (USD 120) de dicha multa. La suma restante de dos mil seiscientos veintiséis dólares (USD 2626.00) se pagará en veintiséis (26) pagos mensuales de ciento y un dólares (USD 101.00) cada uno. El primer pago mensual se realizará dentro de los 30 días posteriores a la fecha de entrada en vigor de esta Sentencia. Cada uno de los pagos subsiguientes se realizará a más tardar 30 días después de la fecha de vencimiento del pago anterior hasta que la multa se pague en su totalidad. Si la Demandada no cumple puntual y satisfactoriamente con los requisitos de pago de esta Sentencia, incluyendo el calendario de pagos, la Directora Ejecutiva podría, a su elección, acelerar el vencimiento de los pagos restantes, en cuyo caso el saldo no pagado se volverá inmediatamente exigible y pagadero sin necesidad de requerimiento o aviso. Asimismo, el incumplimiento de la Demandada del calendario de pagos de esta Sentencia o la aceleración de cualquier saldo restante

constituye el incumplimiento de la Demandada de cumplir puntual y satisfactoriamente con todos los términos de esta Sentencia

DISPOSICIONES DE LA SENTENCIA

AHORA, POR LO TANTO, LA COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS ORDENA QUE:

1. Se le imponga a la Demandada una sanción administrativa como lo establece la Conclusión de la Ley Núm. 6 para infracciones a estatutos estatales y a las normas de la TCEQ. El pago de esta sanción y el cumplimiento de la Demandada de todos los requisitos establecidos en esta Sentencia resuelven únicamente los hechos establecidos por esta Sentencia en esta acción. La Comisión no podrá verse impedida en modo alguno para exigir medidas correctivas o sanciones por infracciones que no se planteen aquí. Los pagos de la multa se harán pagaderos a la TCEQ y se enviarán con la anotación "Re: Maria Elena Gueta, razón social 'Maria Elena's Mobile Homes,' Expediente Núm. 2022-0915-PWS-E" a:

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

2. La Demandada deberá cumplir con los siguientes requisitos técnicos:

- a. Dentro de los 30 días posteriores a la entrada en vigor de esta Sentencia:
- b. Enviar o entregar directamente una copia del CCR preparado utilizando la información de cumplimiento para el año calendario más reciente a cada cliente que pagó su factura y hacer un esfuerzo de buena fe por entregar el CCR a los clientes que no pagaron su factura, de conformidad con las secciones 290.271 y 290.274 del TÍTULO 30 DEL CÓDIGO ADTVO. DE TEXAS;
- c. Implementar mejoras a los procedimientos de proceso, orientación, capacitación o supervisión de la Instalación a fin de garantizar que todas las muestras futuras de plomo y cobre de agua de grifo se recolecten y se analicen, y que los resultados se reporten a la Directora Ejecutiva dentro de los diez días posteriores al final de cada periodo de monitoreo, de conformidad con la sección 290.117 del TÍTULO 30 DEL CÓDIGO ADTVO. DE TEXAS;
- d. Recolectar el número requerido de muestras de plomo y cobre de agua de grifo, analizar dichas muestras, e informar los resultados a la Directora Ejecutiva dentro de los diez días posteriores al final del periodo de monitoreo, de conformidad con la sección 290.117 del TÍTULO 30 DEL CÓDIGO ADTVO. DE TEXAS. Esta disposición se cumplirá con la entrega puntual de todos los resultados de las muestras de plomo y cobre a la Directora Ejecutiva durante un periodo de monitoreo conforme; y
- e. Presentar el pago de todos los cargos, intereses y multas pendientes en la Cuenta de Administración Financiera de la TCEQ Núm. 90200670. El pago se enviará con la anotación "Maria Elena Gueta, razón social 'Maria Elena's Mobile Homes,' Financial Administration Account No. 90200670" a:

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

- f. Dentro de los 45 días posteriores a la fecha de entrada en vigor de esta Sentencia:

- i. Presentar ante la Comisión una copia del CCR enviado a los clientes de la Instalación y la certificación de que el CCR se le ha entregado a los clientes de la Instalación y que la información en el CCR es correcta y coherente con la información de monitoreo de cumplimiento, de conformidad con la sección 290.274 del TÍTULO 30 DEL CÓDIGO ADTVO. DE TEXAS. La copia del CCR y la certificación se enviarán a:
 - CCR Coordinator
 - Water Supply Division, MC 155
 - Texas Commission on Environmental Quality
 - P.O. Box 13087
 - Austin, Texas 78711-3087
- ii. Presentar certificación por escrito tal y como se describe en la Disposición de Sentencia Núm. 2.e. para demostrar cumplimiento con las Disposiciones de Sentencia Núm. 2.a.i y 2.a.ii.
- g. Dentro de los 60 días posteriores a la fecha de entrada en vigor de esta Sentencia, presentar certificación por escrito, tal y como se describe en la Disposición de Sentencia Núm. 2.e. para demostrar cumplimiento con la Disposición de Sentencia Núm. 2.b.i;
- h. Dentro de los 410 días posteriores a la entrada en vigor de esta Sentencia, presentar certificación por escrito, tal y como se describe en la Disposición de Sentencia Núm. 2.e. para demostrar cumplimiento con la Disposición de Sentencia Núm. 2.a.iii; y
- i. Las certificaciones requeridas por estas Disposiciones de Sentencia deberán ir acompañadas de documentación de respaldo detallada (fotografías, recibos de pago u otros registros inclusive), estar firmadas por la Demandada, e incluir el siguiente lenguaje de certificación:

"Certifico bajo pena de ley que he examinado personalmente y estoy familiarizada con la información presentada y con todos los documentos anexos, y que con base en mi indagación a aquellas personas inmediatamente responsables de obtener la información, creo que la información presentada es veraz, precisa y completa. Estoy consciente de que existen sanciones significativas por presentar información falsa, incluida la posibilidad de multa y prisión por conocer las infracciones."

Las certificaciones por escrito y la documentación de respaldo necesaria para demostrar cumplimiento con estas Disposiciones de Sentencia deberán enviarse a:

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

Y a:

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

- 3. Se deniega toda reparación que no se haya concedido expresamente en esta Sentencia.

4. Las obligaciones y disposiciones impuestas por esta Sentencia se aplicarán y serán vinculantes para la Demandada. Se le ordena a la Demandada dar aviso de esta Sentencia al personal que mantiene el control diario de las operaciones de la Instalación a las que se hace referencia en esta Sentencia.
5. La Directora Ejecutiva podría conceder una extensión de cualquier plazo en esta Sentencia o de cualquier plan, informe u otro documento presentado de conformidad con esta Sentencia, previa demostración fundamentada y por escrito de una causa justificada. Todas las solicitudes de extensiones de la Demandada se realizarán por escrito a la Directora Ejecutiva. Las extensiones no serán vigentes hasta que la Demandada reciba aprobación por escrito de la Directora Ejecutiva. La determinación de lo que constituye causa justificada recae exclusivamente en la Directora Ejecutiva. Las solicitudes de extensión se enviarán a la División de Cumplimiento a la dirección antes mencionada.
6. Esta sentencia, emitida por la Comisión, no será admisible en contra de la Demandada en un proceso civil a menos de que el proceso sea iniciado por la Oficina del Procurador General del Estado de Texas ("OAG," por sus siglas en inglés) para: (1) ejecutar los términos de esta Sentencia, o (2) perseguir infracciones a un estatuto dentro de la jurisdicción de la TCEQ, o de una norma adoptada o bien de una orden o permiso emitido por la TCEQ bajo dicho estatuto. La Directora Ejecutiva podría, sin nuevo aviso o audiencia, remitir este asunto a la OAG para otros procesos de ejecución si es que determina que la Demandada no ha cumplido con uno o más de los términos o condiciones de esta Sentencia.
7. Las disposiciones en esta Sentencia se consideran divisibles y, si un juzgado de jurisdicción competente u otra autoridad apropiada considera que cualquier disposición en esta Sentencia es inejecutable, las disposiciones restantes serán válidas y ejecutables.
8. Esta Sentencia expirará cinco años después de su fecha de entrada en vigor o tras el cumplimiento de todos los términos y condiciones expuestos en la misma, lo que se produzca más tarde.
9. Esta Sentencia podría ser ejecutada en contrapartes múltiples y separadas, las cuales en conjunto constituyen un instrumento único. Cualquier página de esta Sentencia puede ser fotocopiada, escaneada, digitalizada, convertida a formato de documento portátil electrónico ("pdf"), o reproducida de cualquier otra manera y podría ser transmitida digital o electrónicamente, a título enunciativo mas no limitativo, por transmisión de facsímil y correo electrónico. Cualquier firma colocada en esta Sentencia constituirá una firma original para cualquier propósito y podrá utilizarse, registrarse, sustituirse o emitirse para cualquier propósito para el cual podría utilizarse una firma original. El término "firma" incluirá firmas manuscritas así como reproducciones verdaderas y exactas de firmas manuscritas creadas, ejecutadas, confirmadas, adoptadas o autorizadas por la persona o las personas a quienes las firmas son atribuibles. Las firmas pueden copiarse o reproducirse digital o electrónicamente, mediante fotocopia, grabado, impresión, litografía, correo electrónico, transmisión de facsímil, sellado o cualquier otro medio o proceso que la Directora Ejecutiva considere aceptable. Exclusivamente en este párrafo, los términos transmisión electrónica, dueño, persona, redacción y por escrito tendrán los significados asignados a ellos bajo la sección 1.002 del CÓDIGO DE ORGANIZACIONES COMERCIALES DE TEXAS.
10. La fecha de entrada en vigor de esta Sentencia es la fecha en que es firmada por la Comisión. Se proveerá una copia de esta Sentencia ejecutada en su totalidad a cada una de las partes.