

## **TCEQ Interoffice Memorandum**

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**To:** Mary Smith, General Counsel  
Colleen Ford, Assistant General Counsel

**Thru:** Anna Treadwell, Senior Attorney  
*AWT* Litigation Division

**From:** Misty James, Staff Attorney  
Litigation Division *MJ*

**Date:** September 19, 2024

**Subject:** **Backup Revision**  
**September 25, 2024 Commission Agenda**  
Item No. 26, Los Botines Water Supply Corporation  
Docket No. 2023-0291-UTL-E

Enclosed please find the following:

**Page 2 of the Default Order:**

Conclusion of Law 4 - Changed statute from TEXAS WATER CODE § 13.141 to TEXAS WATER CODE § 13.4151.

Respondent Contact:

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

Please do not hesitate to call Misty James at (512) 239-3400 if you have any questions regarding this matter.

cc: Ronica Scott, Enforcement Division  
Arnaldo Lanese, Laredo Regional Office  
Gill Valls, Office of the General Counsel  
Michael Parrish, Enforcement Division  
Leslie Gann, Enforcement Division  
Stuart Beckley, Enforcement Division

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

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to adopt and submit to the TCEQ for approval an EPP that demonstrates the Utility's ability to provide emergency operations, in violation of TEX. WATER CODE § 13.1394(b)(2).
3. As evidenced by Findings of Fact Nos. 4 through 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
4. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. WATER CODE § ~~13.141~~ 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE 70.105. Pursuant to TEX. WATER CODE § ~~13.141~~ 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 13.4151(a) and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of \$825 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 13.4151(b).
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$825 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Los Botines Water Supply Corporation; Docket No. 2023-0291-UTL-E" to:

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

3. Respondent shall undertake the following technical requirements:
  - a. Within 90 days after the effective date of the Order, develop and submit to the TCEQ for approval an EPP that demonstrates the Utility's ability to provide emergency operations, in accordance with TEX. WATER CODE § 13.1394(b)(2). The EPP

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

#### **CONCLUSIONS OF LAW**

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EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 63654  
Los Botines Water Supply Corporation  
RN106716442  
Docket No. 2023-0291-UTL-E

**Order Type:**  
Default Order

**Media:**  
PWS

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
469 Well Lane, Laredo, Webb County (the “Utility”)

**Type of Operation:**  
a retail public utility, exempt utility, or provider or conveyor of potable or raw water service

**Other Significant Matters:**  
Additional Pending Enforcement Actions: None  
Past-Due Penalties: \$7,749  
Past-Due Fees: \$1,448  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** August 9, 2024

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$825  
**Total Paid to General Revenue:** \$0  
**Total Due to General Revenue:** \$825

**Compliance History Classifications:**  
Person/CN - Not Applicable  
Site/RN - Not Applicable

**Major Source:** No  
**Statutory Limit Adjustment:** None  
**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** January 23, 2023 through January 27, 2023  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** February 17, 2023

**Los Botines Water Supply Corporation**

RN106716442

Docket No. 2023-0291-UTL-E

**Violation Information**

Failed to adopt and submit to the TCEQ for approval an emergency preparedness plan (“EPP”) that demonstrates the Utility’s ability to provide emergency operations [TEX. WATER CODE § 13.1394(b)(2)].

**Corrective Actions/Technical Requirements****Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 90 days develop and submit to the TCEQ for approval an EPP that demonstrates the Utility’s ability to provide emergency operations.
2. Within 105 days submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirement No. 1.
3. Within 270 days obtain approval from the TCEQ for the EPP submitted pursuant to Technical Requirement No. 1.
4. Within 285 days submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirement No. 3.

**Litigation Information****Date Petition(s) Filed:**

November 15, 2023; January 9, 2024

**Date(s) of Service:**

unclaimed; unclaimed

**Date Answer(s) Filed:**

N/A

**Contact Information****TCEQ Attorneys:** Misty James, 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:** Ronica Scott, Enforcement Division, (361) 881-6990**TCEQ Regional Contact:** Arnaldo Lanese, Laredo Regional Office, (956) 791-6611**Respondent Contact:** Sandra Rocha Taylor, Managing Member, Los Botines Water Supply Corporation,  
P.O. Box 451131, Laredo, Texas 78045**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	30-Jan-2023	<b>Screening</b>	21-Feb-2023	<b>EPA Due</b>	
	<b>PCW</b>	21-Feb-2023				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Los Botines Water Supply Corporation
<b>Reg. Ent. Ref. No.</b>	RN106716442
<b>Facility/Site Region</b>	16-Laredo
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	63654	<b>No. of Violations</b>	1
<b>Docket No.</b>	2023-0291-UTL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Ronica Rodriguez Scott
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>65.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$325</b>
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Notes: Enhancement for one agreed order without a denial of liability and two agreed orders containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$8  
 Estimated Cost of Compliance: \$180  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$825</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$825</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$825</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$825</b>
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**Screening Date** 21-Feb-2023

**Docket No.** 2023-0291-UTL-E

**PCW**

**Respondent** Los Botines Water Supply Corporation

Policy Revision 5 (January 28, 2021)

**Case ID No.** 63654

PCW Revision February 11, 2021

**Reg. Ent. Reference No.** RN106716442

**Media** Public Water Supply

**Enf. Coordinator** Ronica Rodriguez Scott

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 65%

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

N/A

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

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

N/A

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

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one agreed order without a denial of liability and two agreed orders containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 65%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 65%

Screening Date 21-Feb-2023

Docket No. 2023-0291-UTL-E

PCW

Respondent Los Botines Water Supply Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 63654

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN106716442

Media Public Water Supply

Enf. Coordinator Ronica Rodriguez Scott

Violation Number 1

Rule Cite(s)

Tex. Water Code § 13.1394(b)(2)

Violation Description

Failed to adopt and submit to the TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1

29 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$825

This violation Final Assessed Penalty (adjusted for limits) \$825



## Economic Benefit Worksheet

**Respondent** Los Botines Water Supply Corporation  
**Case ID No.** 63654  
**Reg. Ent. Reference No.** RN106716442  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	23-Jan-2023	26-Dec-2023	0.92	\$8	n/a	\$8

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to develop and submit to the TCEQ for approval an EPP that demonstrates the Facility's ability to provide emergency operations, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$180

**TOTAL** \$8



# Compliance History Report

Compliance History Report for CN605346915, RN106716442, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN605346915, Los Botines Water Supply Corporation  
**Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN106716442, LOS BOTINES WSC  
**Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 469 WELL LANE, LAREDO TX 78045

**TCEQ Region:** REGION 16 - LAREDO

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 2400043

**Compliance History Period:** September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** April 13, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 13, 2018 to April 13, 2023

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

**Name:** Ronica Rodriguez Scott

**Phone:** (361) 881-6990

**Site and Owner/Operator History:**

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

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

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

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

plant, pump station, and storage tank at the public water system until the facility is decommissioned

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

the required timeline.

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Description: Failure to maintain a distribution system map.

Classification: Moderate

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

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

Classification: Major

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

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

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

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

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.106(e)

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

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.107(e)

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

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.108(e)

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

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

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

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

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

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 1Q2017 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to

the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2017.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RT MR PN 1st 6M2017 - Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 01/01/2017 to 06/30/2017.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

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

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

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

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

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

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MTL/MIN/CYN MR PN 3Y2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a metal/mineral/cyanide monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: RAD MR PN 3Y2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a radionuclide monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

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

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

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**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.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

**§  
§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2023-0291-UTL-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Los Botines Water Supply Corporation (“Respondent”).

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

### **FINDINGS OF FACT**

1. Respondent owns and/or operates a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service to more than one customer and is not located in a county with a population of 3.3 million or more or in a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more, located at 469 Well Lane in Laredo, Webb County, Texas (the "Utility"). As such, the Utility is an "affected utility" as defined in TEX. WATER CODE § 13.1394(a)(1). Therefore, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 13.
2. During a record review conducted from January 23, 2023 through January 27, 2023, an investigator documented that Respondent failed to adopt and submit to the TCEQ for approval an emergency preparedness plan (“EPP”) that demonstrates the Utility’s ability to provide emergency operations.
3. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Los Botines Water Supply Corporation” (the “EDPRP”) in the TCEQ Chief Clerk’s office on November 15, 2023.
4. The EDPRP was mailed to Respondent’s last known address on November 15, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.”
5. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk’s office on January 9, 2024.
6. By letter dated January 9, 2024, sent to Respondent’s last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.” The first-class mail has not been returned, indicating that Respondent received notice of the EDPRP.



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

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to adopt and submit to the TCEQ for approval an EPP that demonstrates the Utility's ability to provide emergency operations, in violation of TEX. WATER CODE § 13.1394(b)(2).
3. As evidenced by Findings of Fact Nos. 4 through 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
4. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. WATER CODE § 13.141, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 13.141, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 13.4151(a) and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of \$825 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 13.4151(b).
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$825 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Los Botines Water Supply Corporation; Docket No. 2023-0291-UTL-E" to:

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

3. Respondent shall undertake the following technical requirements:
  - a. Within 90 days after the effective date of the Order, develop and submit to the TCEQ for approval an EPP that demonstrates the Utility's ability to provide emergency operations, in accordance with TEX. WATER CODE § 13.1394(b)(2). The EPP

must demonstrate Respondent's ability to provide emergency operations, as described by TEX. WATER CODE § 13.1394(b)(1), and shall be submitted to:

Emergency Response and Preparedness Section, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711

Respondent shall respond completely and adequately, as determined by the TCEQ, within 10 days or by any other deadline specified in writing, to all requests for information about the submitted or forthcoming EPP;

- b. Within 105 days after the effective date of the Order, submit written certification as described in Ordering Provision No. 3.d., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.;
- c. Within 270 days after the effective date of the Order, obtain approval from the TCEQ for the EPP submitted pursuant to Ordering Provision No. 3.a., in accordance with TEX. WATER CODE § 13.1394(b)(2); and
- d. Within 285 days after the effective date of the Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Corrective Action Ordering Provision No. 3.c. 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 fine and imprisonment for knowing violations.”

The written certification 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:

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Utility operations referenced in this Order.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF MISTY JAMES

“On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Los Botines Water Supply Corporation’ (the “EDPRP”) was filed in the TCEQ Chief Clerk’s office on November 15, 2023.

The EDPRP was mailed to Respondent's last known address on November 15, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.”

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk’s office on January 9, 2024.

The EDPRP was mailed to Respondent's last known address on January 9, 2024, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.” The first-class mail has not been returned, indicating that Respondent received notice of the EDPRP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

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

Executed in Travis County,  
State of Texas,  
on the 3<sup>rd</sup> day of May, 2024

A handwritten signature in black ink, appearing to read "Misty James".

\_\_\_\_\_  
Declarant