Executive Summary – Enforcement Matter – Case No. 66288 BRACKEN VILLAGE, LTD. RN104790274 Docket No. 2024-1042-PWS-E

Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: PWS **Small Business:** No Location(s) Where Violation(s) Occurred: Bracken Village, 18771 Farm-to-Market Road 2252, San Antonio, Comal County Type of Operation: Public water supply **Other Significant Matters:** Additional Pending Enforcement Actions: No Past-Due Penalties: No Other: N/A Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda. Texas Register Publication Date: February 7, 2025 Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,765 Amount Deferred for Expedited Settlement: \$2,153 Total Paid to General Revenue: \$8,612 Total Due to General Revenue: \$0 Payment Plan: N/A Compliance History Classifications: Person/CN - N/A Site/RN - N/A Major Source: No Statutory Limit Adjustment: N/A Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): February 6, 2024 **Complaint Information:** Alleged there was an unapproved public water supply. **Date(s) of Investigation:** February 27, 2024 through March 4, 2024 **Date(s) of NOE(s):** May 24, 2024

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Violation Information

1. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, on February 27, 2024 and February 28, 2024, free chlorine residual concentrations of 0.02 mg/L and 0.01 mg/L, respectively, were measured at 18771 Farm-To-Market Road 2252 [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

2. Failed to operate the Facility under the direct supervision of a water works operator who holds an applicable, valid Class "D" or higher ground water license issued by the Executive Director [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].

3. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply. Specifically, the Respondent was operating a business which meets the definition of nontransient, noncommunity public water supply without first obtaining approval [30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035(a)].

4. Failed to submit well completion data for review and approval prior to placing the Facility's public drinking water well into service [30 Tex. ADMIN. CODE § 290.41(c)(3)(A)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

A change in ownership occurred at the Facility on April 22, 2024.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Taner Hengst, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1143; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 Respondent: Ronald Travis, Limited Partner, BRACKEN VILLAGE, LTD., 154 Manchester Way, Shavano Park, Texas 78249-2023 Respondent's Attorney: N/A

| DATES Assigned 28-May - 2024 Screening 24-Jun-2024 EPA Due RESPONDENT/FACILITY INFORMATION Respondent [BRACKEN VILLAGE, LTD. Respondent [BRACKEN VILLAGE, LTD. Respondent [BRACKEN VILLAGE, LTD. Respondent [BRACKEN VILLAGE, LTD. Respondent [BRACKEN VILLAGE, LTD. Major/Minor Source [Minor CASE INFORMATION Compared to the provide the prov | S COMMISSION | Policy Re | Pe evision 5 (January 28, | • | Calculatio | n Worksł | neet (PC | - | vision February | , 11, 2021 |
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| PCW 10-Jun-2024 Screening 24-Jun-2024 EPA Due RESPONDENT/FACILITY INFORMATION Respondent [BRACKEN VILLAGE, LTD., Reg., Ent. Ref. No. [NII04790274 Respondent [BRACKEN VILLAGE, LTD., Reg., Ent. Ref. No. [State ID | DATES | Assigned | 28-May-2024 | | | | | | | |
| RESPONDENT/FACILITY INFORMATION Reg. Ent. Ref. No. RNUAG700274 Facility/Site Region 13-San Antonio Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 66288 Docket No. 2024-1042-PWS-E Government/Non-Profit Multi-Media Enf./Case ID No. 66288 No. of Violations 4 Government/Non-Profit Multi-Media Extractional Comparistion 2004 Multi-Media Extractional Comparistion 2004 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 2 / an obtained by multiphyng the foot lase Penalty (Subotal 1) by the indicated percentage. Subtotal 2 / an obtained by multiphyng the foot lase Penalty (Subotal 1) by the indicated percentage. Compliance History 0.0% Adjustment Notes No adjustment for Compliance History. Culpability No adjustment set the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 Economic Benefit 0.0% Enhancement* Subtotal 5 50 Economic Benefit 0.0% Enhancement* Subtotal 5 50 | | | | Screenin | g 24-Jun-2024 | EPA Due | |] | | |
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| Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 Economic Benefit 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts \$8,015 *Capped at the Total EB \$ Amount \$0 SUM OF SUBTOTALS 1-7 Final Subtotal \$2,750 OTHER FACTORS AS JUSTICE MAY REQUIRE 291.5% Adjustment \$8,015 Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with all violations. Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 \$10,765 DEFERRAL 20.0% Reduction Adjustment -\$2,153 Notes Deferral offered for expedited settlement. Deferral offered for expedited settlement. \$10,765 | | Notes | The Res | spondent de | pes not meet the | culpability crite | eria. | | | |
| Economic Benefit 0.0% Enhancement* Subtotal 6 Total EB Amounts \$8,015 *Capped at the Total EB \$ Amount *Capped at the Total EB \$ Amount *Capped at the Total EB \$ Amount SUM OF SUBTOTALS 1-7 Final Subtotal \$2,750 OTHER FACTORS AS JUSTICE MAY REQUIRE 291.5% Adjustment \$8,015 Reduces or enhances the Final Subtotal by the indicated percentage. Inhancement to capture the avoided cost of compliance associated with all violations. Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 Statution -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. -\$2,153 | | | | | | | | | | |
| Economic Benefit 0.0% Enhancement* Subtotal 6 Total EB Amounts \$8,015 *Capped at the Total EB \$ Amount *Capped at the Total EB \$ Amount *Capped at the Total EB \$ Amount SUM OF SUBTOTALS 1-7 Final Subtotal \$2,750 OTHER FACTORS AS JUSTICE MAY REQUIRE 291.5% Adjustment \$8,015 Reduces or enhances the Final Subtotal by the indicated percentage. Inhancement to capture the avoided cost of compliance associated with all violations. Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 Statution -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. -\$2,153 | | | | | | | | • | | |
| Total EB Amounts \$8,015 *Capped at the Total EB \$ Amount Estimated Cost of Compliance \$7,963 *Capped at the Total EB \$ Amount SUM OF SUBTOTALS 1-7 Final Subtotal \$2,750 OTHER FACTORS AS JUSTICE MAY REQUIRE 291.5% Adjustment \$8,015 Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with all violations. Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 DEFERRAL 20.0% Reduction Adjustment -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. | | Good Faith Effe | ort to Comply To | otal Adjus | tments | | | Subtotal 5 | | \$0 |
| Total EB Amounts \$8,015 *Capped at the Total EB \$ Amount Estimated Cost of Compliance \$7,963 *Capped at the Total EB \$ Amount SUM OF SUBTOTALS 1-7 Final Subtotal \$2,750 OTHER FACTORS AS JUSTICE MAY REQUIRE 291.5% Adjustment \$8,015 Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with all violations. Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 DEFERRAL 20.0% Reduction Adjustment -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. | | | | | | | | | | |
| Total EB Amounts \$8,015 *Capped at the Total EB \$ Amount Estimated Cost of Compliance \$7,963 *Capped at the Total EB \$ Amount SUM OF SUBTOTALS 1-7 Final Subtotal \$2,750 OTHER FACTORS AS JUSTICE MAY REQUIRE 291.5% Adjustment \$8,015 Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with all violations. Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 DEFERRAL 20.0% Reduction Adjustment -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. | | Feenemie Dem | - 6 '4 | | | | | Cubbabal C | r | ÷0 |
| Estimated Cost of Compliance \$7,963 SUM OF SUBTOTALS 1-7 Final Subtotal \$2,750 OTHER FACTORS AS JUSTICE MAY REQUIRE 291.5% Adjustment \$8,015 Reduces or enhances the Final Subtotal by the indicated percentage. Image: Compliance associated with all violations. \$8,015 Notes Enhancement to capture the avoided cost of compliance associated with all violations. \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 DEFERRAL 20.0% Reduction Adjustment -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. Image: Compliance associated with all compliance associated with all violations. | | Economic Bene | | ¢9.015 | | | Amount | Subtotal 6 | | şυ |
| OTHER FACTORS AS JUSTICE MAY REQUIRE 291.5% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with all violations. final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 DEFERRAL 20.0% Reduction Adjustment -\$2,153 Notes Deferral offered for expedited settlement. Penalty by the indicated percentage. Image: Compliance associated with all violations. | | Estimated | | | Сарре | | Amount | | | |
| OTHER FACTORS AS JUSTICE MAY REQUIRE 291.5% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with all violations. final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 DEFERRAL 20.0% Reduction Adjustment -\$2,153 Notes Deferral offered for expedited settlement. Penalty by the indicated percentage. Image: Compliance associated with all violations. | | | · _ | | | | | | | |
| OTHER FACTORS AS JUSTICE MAY REQUIRE 291.5% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with all violations. final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 DEFERRAL 20.0% Reduction Adjustment -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. Image: Complexity of the indicated percentage. | SUM (| OF SUBTOTAL | LS 1-7 | | | | E | inal Subtotal | | \$2,750 |
| Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with all violations. Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 DEFERRAL 20.0% Reduction Adjustment -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Deferral offered for expedited settlement. Image: Compliance associated with all violations. | | | | | | | | | | - |
| Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with all violations. Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 DEFERRAL 20.0% Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. | OTHE | R FACTORS A | S JUSTICE M | AY REOU | JIRE | 291.5% | | Adiustment | | \$8,015 |
| Notes all violations. Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL 20.0% Reduces the Final Assessed Penalty by the indicated percentage. Adjustment Notes Deferral offered for expedited settlement. | Reduces of | or enhances the Final | Subtotal by the indic | ated percenta | ge. | | | | | |
| Notes all violations. Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL 20.0% Reduces the Final Assessed Penalty by the indicated percentage. Adjustment Notes Deferral offered for expedited settlement. | | | Enhancement to | canture th | e avoided cost o | f compliance as | sociated with | | | |
| Final Penalty Amount \$10,765 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL 20.0% Reduces the Final Assessed Penalty by the indicated percentage. Adjustment Notes Deferral offered for expedited settlement. | | Notes | | capture tri | | r compliance as: | Sociated with | | | |
| STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,765 DEFERRAL 20.0% Reduction Adjustment -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Deferral offered for expedited settlement. Image: Comparison of the settlement of the settlemen | | | | | | | | | | |
| DEFERRAL 20.0% Reduction Adjustment -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. -\$2,153 | | | | | | | Final Pen | alty Amount | \$ | 510,765 |
| DEFERRAL 20.0% Reduction Adjustment -\$2,153 Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. -\$2,153 | | | | | | | | | | |
| Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. | STATU | UTORY LIMIT | | IT | | | Final Asse | ssed Penalty | \$ | 510,765 |
| Reduces the Final Assessed Penalty by the indicated percentage. Notes Deferral offered for expedited settlement. | | | | | | | | | | |
| Notes Deferral offered for expedited settlement. | | | | | | 20.0% | Reduction | Adjustment | · | \$2,153 |
| | Reduces t | he Final Assessed Pe | nalty by the indicated | l percentage. | | | | 1 | | |
| | | | | | | | | | | |
| PAYABLE PENALTY \$8,612 | | Notes | D | eferral offe | ered for expedite | d settlement. | | | | |
| PAYABLE PENALTY \$8,612 | | | | | | | | J | | |
| PAYABLE PENALTY \$8,612 | | | - | | | | | | | 1 |
| | PAYA | BLE PENALT | ſ | | | | | | | \$8,612 |

| | Ent. Coo | ordinator Taner Hengst | | |
|-------|--------------------------------|--|--------------|-----------------------|
| >> Co | ompliance Hist | Compliance History Worksheet ory 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% |
| | | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 0 | 0% |
| | Orders | 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 | 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% |
| | Decrees | 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 (number of events) | 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% |
| | | Environmental management systems in place for one year or more | Ne | 0% |
| | | Environmental management systems in place for one year or more | No | 0% |
| | Other | 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 Per | centage (Sub | ototal 2) 0% |
| •> Re | epeat Violator | (Subtotal 3) | | |
| | N/A | Adjustment Per | centage (Sub | ototal 3) 0% |
| ·> Co | ompliance Hist | ory Person Classification (Subtotal 7) | | |
| | N/A | Adjustment Per | centage (Sub | ototal 7) 0% |
| •> Co | ompliance Hist | ory Summary | | |
| | Compliance History Notes | No adjustment for Compliance History. | | |
| | | Total Compliance History Adjustment Percentage (S | Subtotals 2, | 3, & 7) 0% |
| > Fin | al Compliance | History Adjustment Final Adjustment Percent | 200 * | at 100% 0% |
| | | Final Aujustinent Percent | age capped | at 100 % 0% |

Docket No. 2024-1042-PWS-E

Screening Date 24-Jun-2024 Respondent BRACKEN VILLAGE, LTD. **Case ID No.** 66288

Reg. Ent. Reference No. RN104790274

Media Public Water Supply

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

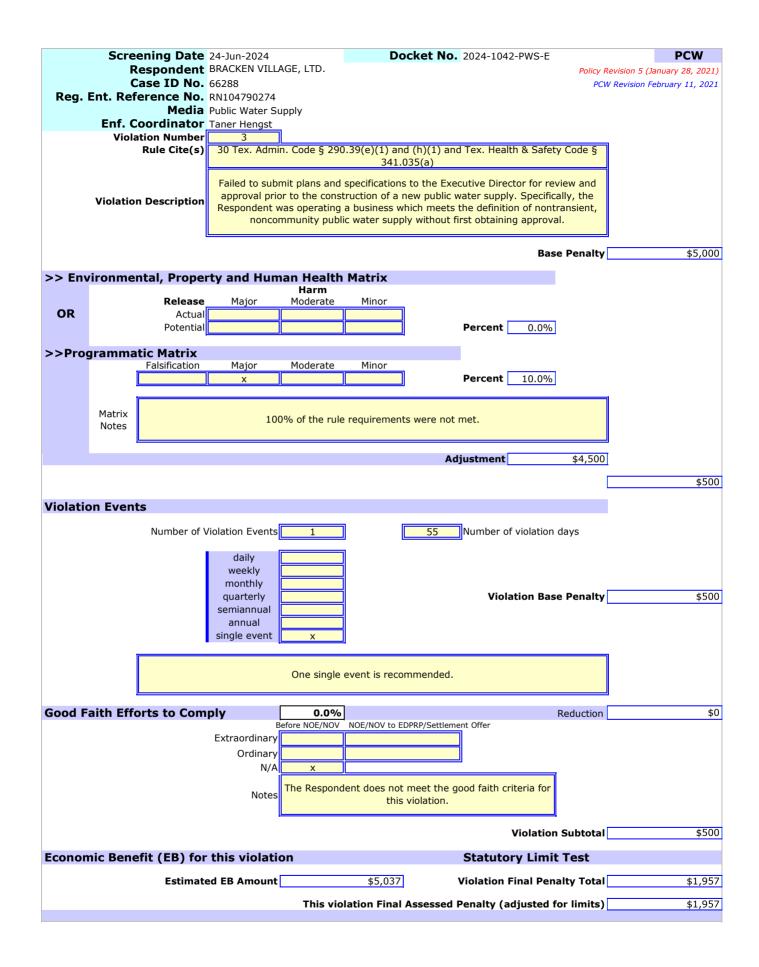
PCW

| | Scre | ening Date | 24-Jun-2024 | Docket No. 2024-1042-PWS-E | PCW |
|----------|----------|----------------|----------------------------------|---|-------------------------------|
| | R | espondent | BRACKEN VILLAGE, LTD. | Policy F | Revision 5 (January 28, 2021) |
| | | ase ID No. | | PCV | V Revision February 11, 2021 |
| Reg. | Ent. Ref | | RN104790274 | | |
| | | | Public Water Supply | | |
| | | oordinator | | | |
| | VIOIa | ition Number | | | |
| | | Rule Cite(s) | 30 Tex. Admin. Code §§ 2 | 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c) | |
| | | | Eailed to maintain a die | infectant residual of at least 0.2 milligrams per liter | |
| | | | | ne throughout the distribution system at all times. | |
| | Violatio | n Description | Specifically, on February 2 | 27, 2024 and February 28, 2024, free chlorine residual | |
| | | | | ng/L and 0.01 mg/L, respectively, were measured at | |
| | | | 187 | 71 Farm-To-Market Road 2252. | |
| | | | | Base Penalty | \$5,000 |
| >> Env | ironme | ntal. Prope | rty and Human Healtl | n Matrix | |
| | nonne | | Harm | I PIQUIA | |
| | | Release | Major Moderate | Minor | |
| OR | | Actual | | | |
| | | Potential | X | Percent 5.0% | |
| >>Proc | aramma | tic Matrix | | | |
| | granna | Falsification | Major Moderate | Minor | |
| | | | | Percent 0.0% | |
| | | | | | 1 |
| | Matrix | Failure to mai | intain proper levels of disinf | ection could expose persons served by the Facility to a | |
| | Notes | significant ar | nount of contaminants whic | h would not exceed levels protective of human health. | |
| | | | | | |
| | | | | Adjustment \$4,750 | |
| | | | | | \$250 |
| | | | | | + |
| Violatio | on Event | ts | | | |
| | | Number of V | /iolation Events 1 | 55 Number of violation days | |
| | | | | | |
| | | | daily | | |
| | | | weekly | _ | |
| | | | monthly quarterly x | Violation Base Penalty | \$250 |
| | | | quarterly <u>x</u> semiannual | | φ230 |
| | | | annual | | |
| | | | single event | | |
| | | | | | I |
| | | One quarterly | | Iculated from the February 27, 2024 investigation date | |
| | | | to the April 22, | 2024 ownership change date. | |
| Good | aith Eff | orts to Com | ply 0.0% | e Reduction | \$0 |
| | | | Before NOE/NOV | | پ 0 |
| | | | Extraordinary | | |
| | | | Ordinary | | |
| | | | N/A <mark>x</mark> | | |
| | | | The Respo | ndent does not meet the good faith criteria | |
| | | | Notes | for this violation. | |
| | | | | | |
| | | | | Violation Subtotal | \$250 |
| Econon | nic Bene | efit (EB) for | this violation | Statutory Limit Test | |
| | | Estimate | ed EB Amount | \$101 Violation Final Penalty Total | \$979 |
| | | | This vial | ation Final Assessed Penalty (adjusted for limits) | \$979 |
| | | | | adon i mai Assessea renaity (aujustea ior illillis) | <i>475</i> ¢ |

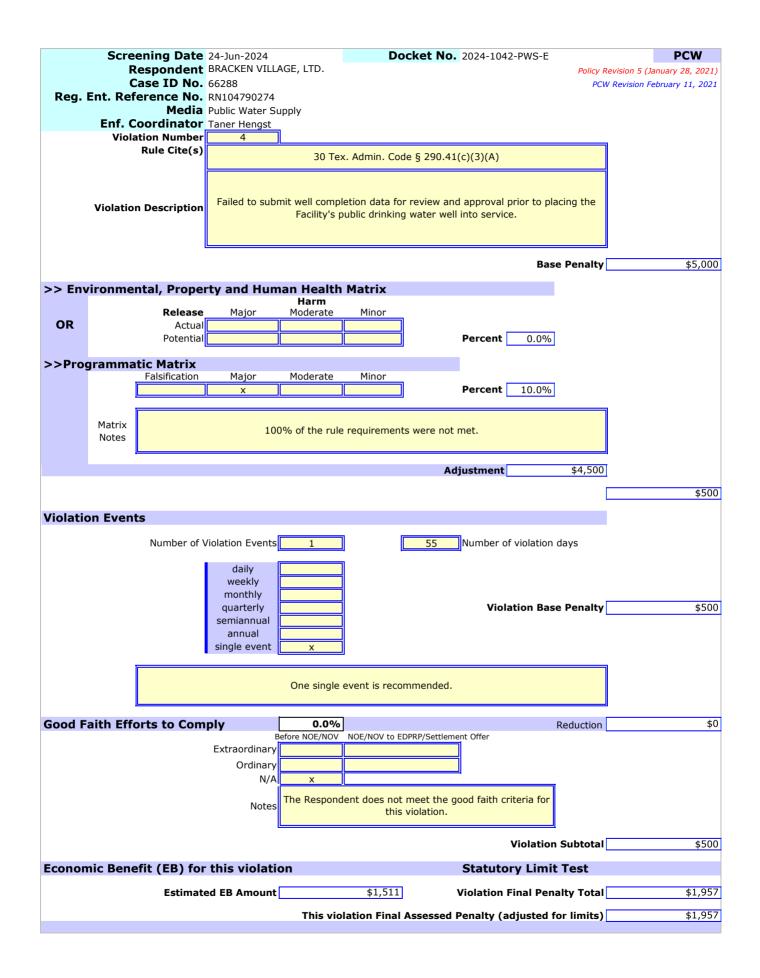
| | E | conomic | Benefit | ıoW | ksheet | | |
|--|---------------------------------------|---|---|--|--|---|---|
| Respondent | BRACKEN VIL | LAGE, LTD. | | | | | |
| Case ID No. | | 2.02, 2.2. | | | | | |
| | | | | | | | |
| leg. Ent. Reference No. | | | | | | | |
| | Public Water S | supply | | | | Percent Interest | Years of |
| Violation No. | . 1 | | | | | | Depreciation |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| Item Description | 4 | | | | | | |
| | | | | | | | |
| Delayed Costs | ; <u> </u> | | | | | | |
| 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 Other (as needed) | | | | 0.00 | \$0 \$0 | n/a n/a | <u>\$0</u> \$0 |
| | | | | | | | |
| | | | | | | | |
| Notes for DELAYED costs | | | | | | | |
| Notes for DELAYED costs | | | | | | | |
| | | ALIZE avoided c | osts before en | tering | item (except for | one-time avoided | 1 costs) |
| Avoided Costs | ; ANNU | ALIZE avoided c | osts before en | | | one-time avoideo | |
| | ; <u>ANNU</u> | ALIZE avoided c | osts before en | 0.00 | \$0 | \$0 | \$0 |
| Avoided Costs Disposal Personnel | ; <u>ANNU</u> | ALIZE avoided c | osts before en | 0.00 | \$0 \$0 | \$0 \$0 | \$0 \$0 |
| Avoided Costs Disposal Personnel nspection/Reporting/Sampling | ; <u>ANNU</u> | ALIZE avoided c | osts before en | 0.00 | \$0 \$0 \$0 | \$0 \$0 \$0 | \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel | ; <u>ANNU</u> | ALIZE avoided c | osts before en | 0.00 0.00 0.00 | \$0 \$0 | \$0 \$0 | \$0 \$0 |
| Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | ; <u>ANNU</u> | ALIZE avoided c | osts before en | 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | \$ ANNU | | | 0.00 0.00 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | \$100 | 27-Feb-2024 | 22-Apr-2024 | 0.00 0.00 0.00 0.00 0.00 0.00 0.15 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$101 |
| Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | \$100 The Other (as | 27-Feb-2024 needed) cost incl | 22-Apr-2024 udes the estima | 0.00 0.00 0.00 0.00 0.00 0.15 ted amo | \$0 \$0 \$0 \$0 \$0 \$0 \$1 bount to determine | \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$100 the cause of noncor | \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$101 mpliance, make |
| Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | \$100 The Other (as any necessa | 27-Feb-2024 needed) cost incl ary repairs or adju | 22-Apr-2024 udes the estima stments to the l | 0.00 0.00 0.00 0.00 0.00 0.00 0.15 ted amo | \$0 \$0 \$0 \$0 \$0 \$0 \$1 punt to determine and maintain a dis | \$0 \$0 \$0 \$0 \$0 \$0 \$100 the cause of noncor sinfectant residual o | \$0 \$0 \$0 \$0 \$0 \$101 mpliance, make f at 0.2 mg/L |
| Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | \$100 The Other (as any necessa | 27-Feb-2024 needed) cost incl ary repairs or adju | 22-Apr-2024 udes the estima stments to the le distribution sys | 0.00 0.00 0.00 0.00 0.00 0.15 ted amo facility, stem, ca | \$0 \$0 \$0 \$0 \$0 \$0 \$1 punt to determine and maintain a dis loculated from the | \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$100 the cause of noncor | \$0 \$0 \$0 \$0 \$0 \$101 mpliance, make f at 0.2 mg/L |
| Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | \$100 The Other (as any necessa | 27-Feb-2024 needed) cost incl ary repairs or adju | 22-Apr-2024 udes the estima stments to the le distribution sys | 0.00 0.00 0.00 0.00 0.00 0.15 ted amo facility, stem, ca | \$0 \$0 \$0 \$0 \$0 \$0 \$1 punt to determine and maintain a dis | \$0 \$0 \$0 \$0 \$0 \$0 \$100 the cause of noncor sinfectant residual o | \$0 \$0 \$0 \$0 \$0 \$101 mpliance, make f at 0.2 mg/L |
| Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | \$100 The Other (as any necessa | 27-Feb-2024 needed) cost incl ary repairs or adju | 22-Apr-2024 udes the estima stments to the le distribution sys | 0.00 0.00 0.00 0.00 0.00 0.15 ted amo facility, stem, ca | \$0 \$0 \$0 \$0 \$0 \$0 \$1 punt to determine and maintain a dis loculated from the | \$0 \$0 \$0 \$0 \$0 \$0 \$100 the cause of noncor sinfectant residual o | \$0 \$0 \$0 \$0 \$0 \$101 mpliance, make f at 0.2 mg/L |

| | Case ID No. | BRACKEN VILLAGE, LTD. 66288 | Docket No | • 2024-1042-PWS-E | PCW licy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 |
|---------------|---------------------------------|-------------------------------------|--|--|---|
| Enf | . Coordinator | Public Water Supply Taner Hengst | | | |
| | iolation Number Rule Cite(s) | | § 290.46(e)(4)(A) and T 341.033(a) | ex. Health § Safety Code § | |
| Viola | tion Description | | | vision of a water works opera ground water license issued r. | |
| | | | | Base Pen | alty \$5,000 |
| >> Environn | nental, Prope | r ty and Human Healt Harm | h Matrix | | |
| 0.0 | Release | Major Moderate | Minor | | |
| OR | Actual Potential | X | | Percent 15.0% | |
| >>Program | matic Matrix Falsification | Major Moderate | Minor | | |
| | | Major Moderate | | Percent 0.0% | |
| | Failure to one | erate the Facility under direc | t supervision of an opera | tor with the appropriate licer | |
| Matri Note | x issued by th | e Executive Director may re | sult in poor plant operation | on which could expose perso s protective of human health | ns |
| | <u>.</u> | | A | djustment \$4, | 250 |
| | | | | | \$750 |
| Violation Eve | ents | | | | |
| | Number of \ | /iolation Events 2 | 55 | Number of violation days | |
| | | daily | | | |
| | | weekly monthlyx | | | |
| | | quarterly | | Violation Base Pen | alty \$1,500 |
| | | annual single event | | | |
| | | | | | |
| | Two monthly | | calculated from the Febru 2024 ownership change | ary 27, 2024 investigation d date. | ate |
| Good Faith E | fforts to Com | ply 0.0% | ío | Reduc | tion \$0 |
| | | Before NOE/NOV | / NOE/NOV to EDPRP/Settlen | nent Offer | |
| | | Ordinary | | | |
| | | N/A <u>x</u> Notes The Respor | Ident does not meet the this violation. | good faith criteria for | |
| | | | | Violation Subt | otal \$1,500 |
| Fconomic Be | nefit (FR) for | this violation | | Statutory Limit Test | |
| | | ed EB Amount | \$1,366 | Violation Final Penalty To | |
| | Estimate | | | - | |
| | | i nis vi | oration FINAL ASSESSED | Penalty (adjusted for lim | its) \$5,872 |

| | E | conomic | Benefit | Woi | rksheet | | |
|--|----------------|-----------------|----------------|---------|-----------------------|---|--------------------------|
| Respondent Case ID No. Reg. Ent. Reference No. | 66288 | · | | | | | |
| | Public Water S | | | | | Percent Interest | Years of Depreciation |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| | | | | | | | |
| 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 | ANNU | ALIZE avoided c | osts before er | itering | item (except for | one-time avoided | l costs) |
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | \$9,048 | 27-Feb-2024 | 22-Apr-2024 | 0.15 | \$3 | \$1,363 | \$1,366 |
| nspection/Reporting/Sampling | <u> </u> | | ,p021 | 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 | | | | | , | rks operator who ho n to the ownership | |
| Approx. Cost of Compliance | | \$1,363 | | | TOTAL | | \$1,366 |



| N VILLAGE, LTD. 20274 ater Supply Cost Date Required | I Final Date | Yrs | Interest Saved | Percent Interest 5.0 Costs Saved | Years of Depreciation 15 EB Amount |
|---|-------------------|-----------------------------------|---|--|--|
| 90274 ater Supply | I Final Date | | Interest Saved | 5.0 | 15 |
| ater Supply | I Final Date | | Interest Saved | 5.0 | 1! |
| ater Supply | I Final Date | | Interest Saved | 5.0 | 15 |
| | I Final Date | | Interest Saved | 5.0 | 15 |
| Cost Date Required | I Final Date | | Interest Saved | 5.0 | 1! |
| Cost Date Required | I Final Date | | | | |
| Cost Date Required | I Final Date | | | Costs Saved | EB Amount |
| | | 0.00 | | | |
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| | | 0.00 | \$0 | \$0 | <u>\$0</u> \$0 |
| | | 0.00 | \$0 | \$0 | \$0 |
| | | 0.00 | \$0 | n/a | \$0 |
| | | | | | \$0 |
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| | | 0.00 | | | \$0 |
| | | 0.00 | \$0 | n/a | \$0 |
| | | 0.00 | \$0 | n/a | \$0 |
| | | | | | |
| NNUALIZE avoided | costs before en | | | | , |
| | | | | | \$0 |
| | | | | | |
| | | 0.00 | \$0 | \$0 | \$0 |
| | | 0.00 | \$0 | \$0 | \$0 |
| | | 0.00 | \$0 \$0 | \$0 \$0 | \$0 \$0 |
| | | 0.00 0.00 0.00 | \$0 \$0 \$0 | \$0 \$0 \$0 | \$0 \$0 \$0 |
| 00 27-Feb-2024 | 22-Apr-2024 | 0.00 | \$0 \$0 | \$0 \$0 | \$0 \$0 |
| | INNUALIZE avoided | INNUALIZE avoided costs before en | 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 | 0.00 \$0 n/a 0.00 \$0 n/a |



| Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Item Description | 66288 RN104790274 Public Water S 4 | · | | | | | |
|--|---|----------------------|-----------------|--------------------------------------|--|--|---|
| Case ID No. Reg. Ent. Reference No. Media Violation No. | 66288 RN104790274 Public Water S 4 | · | | | | | |
| eg. Ent. Reference No. Media Violation No. | RN104790274 Public Water S 4 | | | | | | |
| Media Violation No. | Public Water S 4 | | | | | | |
| Violation No. | 4 | ирріу | | | | | Very of |
| | | | | | | Percent Interest | Years of |
| Item Description | | | | | | | Depreciation |
| Item Description | | | | | | 5.0 | 1 |
| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Delayed Costs | | ui | | | +0 | +0 | +0 |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | <u>\$0</u> \$0 | <u>\$0</u> \$0 | <u>\$0</u> \$0 |
| Other (as needed) | | <u> </u> | | 0.00 | \$0 \$0 | \$0 \$0 | <u>\$0</u> \$0 |
| Engineering/Construction Land | | | | 0.00 | \$0 \$0 | \$0 n/a | \$0 \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | <u>\$0</u> \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |
| Notes for DELAYED costs | | | | | | | |
| | | | | | | | |
| Avoided Costs | ANNU | LIZE avoided c | :osts before en | | item (except for | one-time avoided | l costs) |
| Avoided Costs Disposal | ANNU | LIZE avoided c | costs before en | 0.00 | \$0 | \$0 | \$0 |
| Disposal Personnel | ANNU | LIZE avoided o | :osts before en | 0.00 | \$0 \$0 | \$0 \$0 | \$0 \$0 |
| Disposal Personnel nspection/Reporting/Sampling | ANNU | ALIZE avoided (| costs before en | 0.00 0.00 0.00 | \$0 \$0 \$0 | \$0 \$0 \$0 | \$0 \$0 \$0 |
| Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | ANNU/ | ALIZE avoided (| costs before en | 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 |
| Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | ANNU/ | ALIZE avoided (| costs before en | 0.00 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | 4NNU/ | ALIZE avoided o | | 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 |

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



Compliance History Report

Compliance History Report for CN606238541, RN104790274, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

| Customer, Respondent, or Owner/Operator: | CN606238541, BRACKE | N VILLAGE, LTD. | Classification: NOT APP | LICABLE | Rating: N/A | | | |
|--|--|--|---|-------------|-------------|--|--|--|
| Regulated Entity: | RN104790274, BRACKE | N VILLAGE | Classification: NOT APP | LICABLE | Rating: N/A | | | |
| Complexity Points: | N/A | | Repeat Violator: N/A | | | | | |
| CH Group: | 09 - Construction | | | | | | | |
| Location: | 18771 FARM-TO-MARKE | T ROAD 2252 NEAR | R SAN ANTONIO, COMAL COU | NTY, TEXAS | | | | |
| TCEQ Region: REGION 13 - SAN ANTONIO | | | | | | | | |
| ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0460298 Compliance History Period: September 01, 2019 to August 31, 2024 Rating Year: 2024 Rating Date: 09/01/2024 | | | | | | | | |
| Date Compliance History Report Prepared: November 25, 2024 | | | | | | | | |
| Agency Decision Requir | ing Compliance Histo | Dry: Enforcemen | t | | | | | |
| Component Period Selec | ted: November 25, 2 | 019 to November 2 | 5, 2024 | | | | | |
| TCEQ Staff Member to C | ontact for Additiona | l Information R | egarding This Complian | ce History. | | | | |
| Name: Taner Hengst | | | Phone: (512) 239 | -1143 | | | | |
| Site and Owner/Oper 1) Has the site been in exister 2) Has there been a (known) | nce and/or operation for t | | | YES YES | | | | |
| 3) Who is the current owner/c | operator? R & Swt2 Swt2 Jtbv Ctwo | P Travis Properties, 21, LLC OWNER sind co, LLC OWNER sind co, LLC OWNER sind | LLC OWNER since 4/22/2024 ce 4/22/2024 ce 4/22/2024 ce 4/22/2024 ce 4/22/2024 | | | | | |
| 4) Who was/were the prior ow | /ner(s)/operator(s)? | Bracken Village | e, Ltd., OWNER, 3/6/2024 to | 4/21/2024 | | | | |

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.): $_{\mbox{$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): $_{\mbox{N/A}}$
- H. Voluntary on-site compliance assessment dates: $$\rm N/A$$
- I. Participation in a voluntary pollution reduction program: $$\rm N/A$$
- J. Early compliance: N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING BRACKEN VILLAGE, LTD. RN104790274 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL OUALITY

AGREED ORDER DOCKET NO. 2024-1042-PWS-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BRACKEN VILLAGE, LTD. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a public water supply located at 18771 Farm-to-Market Road 2252 near San Antonio, Comal County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 28 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$10,765 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,612 of the penalty and \$2,153 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
- 5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

- 6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
- 7. 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.
- 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. The Executive Director recognizes that a change in ownership occurred at the Facility on April 22, 2024.

II. ALLEGATIONS

During an investigation at the Facility conducted on February 27, 2024 through March 4, 2024, an investigator documented that the Respondent:

- 1. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times, in violation of 30 Tex. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. HEALTH & SAFETY CODE § 341.0315(c). Specifically, on February 27, 2024 and February 28, 2024, free chlorine residual concentrations of 0.02 mg/L and 0.01 mg/L, respectively, were measured at 18771 Farm-To-Market Road 2252.
- 2. Failed to operate the Facility under the direct supervision of a water works operator who holds an applicable, valid Class "D" or higher ground water license issued by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a).
- 3. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply, in violation of 30 Tex. ADMIN. CODE § 290.39(e)(1) and (h)(1) and Tex. HEALTH & SAFETY CODE § 341.035(a). Specifically, the Respondent was operating a business which meets the definition of nontransient, noncommunity public water supply without first obtaining approval.
- 4. Failed to submit well completion data for review and approval prior to placing the Facility's public drinking water well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A).

BRACKEN VILLAGE, LTD. DOCKET NO. 2024-1042-PWS-E Page 3

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action 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: BRACKEN VILLAGE, LTD., Docket No. 2024-1042-PWS-E" to:

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

- 2. All relief not expressly granted in this Order is denied.
- 3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. 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.

7. 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.

BRACKEN VILLAGE, LTD. DOCKET NO. 2024-1042-PWS-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

<u>3/12/2025</u> Date

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

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

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

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

Signature

Ronald Travis Name (Printed or typed) Authorized Representative of BRACKEN VILLAGE, LTD. _____12/30/24 Date

Limited Partner

Title

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