

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

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

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



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-May-2024	Screening	24-Jun-2024	EPA Due	
	PCW	10-Jun-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	BRACKEN VILLAGE, LTD.
Reg. Ent. Ref. No.	RN104790274
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	66288	No. of Violations	4
Docket No.	2024-1042-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Taner Hengst
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for Compliance History.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$8,015	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$7,963	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	291.5%	Adjustment	\$8,015
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with all violations.
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Final Penalty Amount	\$10,765
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,765
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,153
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$8,612
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Screening Date	24-Jun-2024	Docket No.	2024-1042-PWS-E	PCW
Respondent	BRACKEN VILLAGE, LTD.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	66288			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN104790274			
Media	Public Water Supply			
Enf. Coordinator	Taner Hengst			

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

Adjustment Percentage (Subtotal 2) 0%

>> 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	No adjustment for Compliance History.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 24-Jun-2024		Docket No. 2024-1042-PWS-E		PCW	
Respondent BRACKEN VILLAGE, LTD.		Policy Revision 5 (January 28, 2021)			
Case ID No. 66288		PCW Revision February 11, 2021			
Reg. Ent. Reference No. RN104790274					
Media Public Water Supply					
Enf. Coordinator Taner Hengst					
Violation Number 1					
Rule Cite(s)		30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description		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.			
Base Penalty				\$5,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual				
	Potential	x		Percent 5.0%	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes		Failure to maintain proper levels of disinfection could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.			
Adjustment				\$4,750	
				\$250	
>> Violation Events					
Number of Violation Events		1		55 Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x		Violation Base Penalty \$250	
	semiannual				
	annual				
	single event				
One quarterly event is recommended, calculated from the February 27, 2024 investigation date to the April 22, 2024 ownership change date.					
Good Faith Efforts to Comply		0.0%		Reduction \$0	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes		The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$250	
>> Economic Benefit (EB) for this violation					
>> Statutory Limit Test					
Estimated EB Amount		\$101		Violation Final Penalty Total \$979	
This violation Final Assessed Penalty (adjusted for limits)				\$979	

Economic Benefit Worksheet

Respondent BRACKEN VILLAGE, LTD.
Case ID No. 66288
Reg. Ent. Reference No. RN104790274
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

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)	\$100	27-Feb-2024	22-Apr-2024	0.15	\$1	\$100	\$101

Notes for AVOIDED costs

The Other (as needed) cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at 0.2 mg/L free chlorine throughout the distribution system, calculated from the date of the investigation to the ownership change date.

Approx. Cost of Compliance

\$100

TOTAL

\$101

Screening Date 24-Jun-2024 Respondent BRACKEN VILLAGE, LTD. Case ID No. 66288 Reg. Ent. Reference No. RN104790274 Media Public Water Supply Enf. Coordinator Taner Hengst	Docket No. 2024-1042-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health § Safety Code § 341.033(a)	
Violation Description	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.	

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

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to operate the Facility under direct supervision of an operator with the appropriate license issued by the Executive Director may result in poor plant operation which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.
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Adjustment	\$4,250
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	\$750
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Violation Events

Number of Violation Events	2	55	Number of violation days
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daily							
weekly							
monthly			x				
quarterly							
semiannual							
annual							
single event							

Two monthly events are recommended, calculated from the February 27, 2024 investigation date to the April 22, 2024 ownership change date.	
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Good Faith Efforts to Comply

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

Violation Subtotal	\$1,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,366
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Statutory Limit Test

Violation Final Penalty Total	\$5,872
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This violation Final Assessed Penalty (adjusted for limits)	\$5,872
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Economic Benefit Worksheet

Respondent BRACKEN VILLAGE, LTD.
Case ID No. 66288
Reg. Ent. Reference No. RN104790274
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$9,048	27-Feb-2024	22-Apr-2024	0.15	\$3	\$1,363	\$1,366
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated annualized salary of a water works operator who holds a minimum of a Class "D" or higher license, calculated from the date of investigation to the ownership change date.

Approx. Cost of Compliance \$1,363

TOTAL \$1,366

Screening Date 24-Jun-2024 Respondent BRACKEN VILLAGE, LTD. Case ID No. 66288 Reg. Ent. Reference No. RN104790274 Media Public Water Supply Enf. Coordinator Taner Hengst	Docket No. 2024-1042-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	Rule Cite(s)	
		30 Tex. Admin. Code § 290.39(e)(1) and (h)(1) and Tex. Health & Safety Code § 341.035(a)	
Violation Description	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.		

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

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10.0%"/>
Matrix Notes	100% of the rule requirements were not met.				

Adjustment	\$4,500
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	\$500
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Violation Events

Number of Violation Events	1	55	Number of violation days
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	daily	<input type="text"/>		Violation Base Penalty <input type="text" value="\$500"/>
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		

One single event is recommended.	
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Good Faith Efforts to Comply

	0.0%	Reduction <input type="text" value="\$0"/>
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$5,037	Statutory Limit Test
		Violation Final Penalty Total <input type="text" value="\$1,957"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$1,957"/>

Economic Benefit Worksheet

Respondent BRACKEN VILLAGE, LTD.
Case ID No. 66288
Reg. Ent. Reference No. RN104790274
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

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)	\$5,000	27-Feb-2024	22-Apr-2024	0.15	\$37	\$5,000	\$5,037

Notes for AVOIDED costs

The avoided cost includes the estimated amount to develop and submit as-built plans and specifications for review and approval, calculated from the date of investigation to the ownership change date.

Approx. Cost of Compliance

\$5,000

TOTAL

\$5,037

Screening Date 24-Jun-2024 Respondent BRACKEN VILLAGE, LTD. Case ID No. 66288 Reg. Ent. Reference No. RN104790274 Media Public Water Supply Enf. Coordinator Taner Hengst	Docket No. 2024-1042-PWS-E	PCW <small>Policy Revision 5 (January 28, 2021)</small> <small>PCW Revision February 11, 2021</small>
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Violation Number	4	
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(A)	
Violation Description	Failed to submit well completion data for review and approval prior to placing the Facility's public drinking water well into service.	
Base Penalty		\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

OR		Harm			
	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
Matrix Notes	100% of the rule requirements were not met.				
Adjustment				\$4,500	

	\$500
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Violation Events

Number of Violation Events	1	55	Number of violation days														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:20%;">daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>			daily		weekly		monthly		quarterly		semiannual		annual		single event	x
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	\$1,511
Violation Final Penalty Total	\$1,957
This violation Final Assessed Penalty (adjusted for limits)	
\$1,957	

Economic Benefit Worksheet

Respondent BRACKEN VILLAGE, LTD.
Case ID No. 66288
Reg. Ent. Reference No. RN104790274
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

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)	\$1,500	27-Feb-2024	22-Apr-2024	0.15	\$11	\$1,500	\$1,511

Notes for AVOIDED costs

The avoided cost includes the estimated amount to compile well completion data and submit it for approval for the Facility's well, calculated from the date of the investigation to the ownership change date.

Approx. Cost of Compliance

\$1,500

TOTAL

\$1,511



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, BRACKEN VILLAGE, LTD. **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN104790274, BRACKEN VILLAGE **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 09 - Construction

Location: 18771 FARM-TO-MARKET ROAD 2252 NEAR SAN ANTONIO, COMAL COUNTY, 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 Requiring Compliance History: Enforcement

Component Period Selected: November 25, 2019 to November 25, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Taner Hengst **Phone:** (512) 239-1143

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? YES
- 3) Who is the current owner/operator?
R & P Travis Properties, LLC OWNER since 4/22/2024
Swt21, LLC OWNER since 4/22/2024
Jtbvco, LLC OWNER since 4/22/2024
Ctwco, LLC OWNER since 4/22/2024
- 4) Who was/were the prior owner(s)/operator(s)? Bracken Village, 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.):

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
BRACKEN VILLAGE, LTD.
RN104790274

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

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).

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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

3/12/2025

For the Executive Director

Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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

12/30/24

Date

Ronald Travis

Name (Printed or typed)
Authorized Representative of
BRACKEN VILLAGE, LTD.

Limited Partner

Title

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