

Executive Summary – Enforcement Matter – Case No. 67179
Countryside Acres Homeowners Association, Inc.
RN110652849
Docket No. 2025-0190-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Countryside Acres HOA, located at South County Road 1040 and East County Road 107, Stanton, Midland County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2024-0155-PWS-E

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: July 18, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,337

Amount Deferred for Naturally Occurring Inorganic Contaminants: \$3,625

Total Paid to General Revenue: \$242

Total Due to General Revenue: \$8,470

Payment Plan: 35 payments of \$242 each

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): December 3, 2024

Complaint Information: Alleged there is no chlorine residual and boil water notices have not been issued.

Date(s) of Investigation: December 5, 2024 and December 9, 2024 through December 20, 2024

Date(s) of NOE(s): December 20, 2024 and January 17, 2025

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Docket No. 2025-0190-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 [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 comply with the acute maximum contaminant level ("MCL") of 10 mg/L for nitrate [30 TEX. ADMIN. CODE § 290.106(f)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a)].
3. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director (“ED”) by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A), and (f)(3)].
4. Failed to collect and report the results of routine monitoring samples for total coliform, fecal coliform, *Escherichia coli* (or other approved fecal indicator) at the required sampling sites to the ED [30 TEX. ADMIN. CODE § 290.109(d)(2)(F), (f), and (g)(4)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By January 2, 2025, maintained a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system; and
- b. By January 16, 2025, began to collect and report the results of routine monitoring samples for total coliform, fecal coliform, *Escherichia coli* (or other approved fecal indicator) at the required sampling sites to the ED.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs;
- b. Within 45 days, submit written certification to demonstrate compliance with a.;
- c. Within 90 days, begin submitting DLQORs to the ED by the tenth day of the month following the end of each quarter. The provision will be satisfied upon one quarter of compliant reporting;

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RN110652849
Docket No. 2025-0190-PWS-E

d. Within 180 days, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the ED that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days with the acute MCL for nitrate;

e. Within 195 days, submit written certification to demonstrate compliance with c. and d.;

f. Within 365 days and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate;

g. Within 1,095 days, return to compliance with the acute MCL for nitrate; and

h. Within 1,110 days, submit written certification to demonstrate compliance with g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Hilda Iyasele, Enforcement Division, Enforcement Team 4, MC R-12, (512) 239-5280; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: Paul Evans, President, Countryside Acres Homeowners Association, Inc., 1981 State Highway 137, Stanton, Texas 79782

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Jan-2025	Screening	7-Jan-2025	EPA Due	31-Mar-2025
	PCW	30-Jan-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Countryside Acres Homeowners Association, Inc. (PCW No. 1 of 3)				
Reg. Ent. Ref. No.	RN110652849				
Facility/Site Region	7-Midland	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	67179	No. of Violations	1
Docket No.	2025-0190-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Daphne Greene
		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	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0%	Adjustment	Subtotals 2, 3, & 7	\$1,125
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Notes	Enhancement for nine NOVs with same/similar violations.			
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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	\$10,709	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$40,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,625
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DEFERRAL	100.0%	Reduction	Adjustment	-\$3,625
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	The Executive Director recommends a conditional deferral for naturally occurring constituents.		
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PAYABLE PENALTY	\$0
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Screening Date	7-Jan-2025	Docket No.	2025-0190-PWS-E	PCW
Respondent	Countryside Acres Homeowners Association, Inc. (PCW No. 1 of 3)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	67179			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN110652849			
Media	Public Water Supply			
Enf. Coordinator	Daphne Greene			

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>)	9	45%
	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) 45%

>> 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 nine NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date	7-Jan-2025	Docket No.	2025-0190-PWS-E	PCW
Respondent	Countryside Acres Homeowners Association, Inc. (PCW No. 1 of 3)			Policy Revision 5 (January 28, 2021)
Case ID No.	67179			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN110652849			
Media	Public Water Supply			
Enf. Coordinator	Daphne Greene			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.106(f)(2) and Tex. Health & Safety Code § 341.031(a)			
Violation Description	Failed to comply with the acute maximum contaminant level ("MCL") of 10 milligrams per liter ("mg/L") for nitrate. Specifically, the average concentration of the original and the confirmation sample for nitrate was 12 mg/L for the fourth quarter of 2024.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	x		
	Potential			
		Percent	50.0%	
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	Exceeding the acute MCL for nitrate caused the persons served by the Facility to be exposed to pollutants which exceed levels protective of human health.			
	Adjustment	\$2,500		
		\$2,500		
Violation Events				
	Number of Violation Events	1	91	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
	Violation Base Penalty	\$2,500		
	One quarterly 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	\$2,500		
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$10,709	Violation Final Penalty Total	\$3,625
	This violation Final Assessed Penalty (adjusted for limits)			\$3,625

Economic Benefit Worksheet

Respondent Countryside Acres Homeowners Association, Inc. (PCW No. 1 of 3)
Case ID No. 67179
Reg. Ent. Reference No. RN110652849
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)	\$40,000	31-Dec-2024	27-Oct-2028	3.82	\$510	\$10,199	\$10,709
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
The delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the acute MCL for nitrate, calculated from the last day of the monitoring period of noncompliance to the estimated date of compliance.							
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)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance

\$40,000

TOTAL

\$10,709



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Jan-2025	Screening	7-Jan-2025	EPA Due	31-Mar-2025
	PCW	30-Jan-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Countryside Acres Homeowners Association, Inc. (PCW No. 2 of 3)				
Reg. Ent. Ref. No.	RN110652849				
Facility/Site Region	7-Midland	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	67179	No. of Violations	2
Docket No.	2025-0190-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Daphne Greene
		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	\$5,750
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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	45.0%	Adjustment	Subtotals 2, 3, & 7	\$2,587
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Notes	Enhancement for nine NOVs with same/similar violations.			
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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	-\$525
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$148	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$401	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,812
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes			
	Final Penalty Amount	\$7,812	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,812
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.		
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PAYABLE PENALTY	\$7,812
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Screening Date	7-Jan-2025	Docket No.	2025-0190-PWS-E	PCW
Respondent	Countryside Acres Homeowners Association, Inc. (PCW No. 2 of 3)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	67179			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN110652849			
Media	Public Water Supply			
Enf. Coordinator	Daphne Greene			

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>)	9	45%
	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) 45%

>> 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 nine NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date	7-Jan-2025	Docket No.	2025-0190-PWS-E	PCW
Respondent	Countryside Acres Homeowners Association, Inc. (PCW No. 2 of 3)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	67179			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN110652849			
Media	Public Water Supply			
Enf. Coordinator	Daphne Greene			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)			
Violation Description	Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2024.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> 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 1 181 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 \$30 **Violation Final Penalty Total** \$725

This violation Final Assessed Penalty (adjusted for limits) \$725

Economic Benefit Worksheet

Respondent Countryside Acres Homeowners Association, Inc. (PCW No. 2 of 3)
Case ID No. 67179
Reg. Ent. Reference No. RN110652849
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	\$45	9-Dec-2024	27-Nov-2025	0.97	\$2	n/a	\$2
Training/Sampling	\$100	9-Dec-2024	27-Nov-2025	0.97	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The record keeping system and training/sampling delayed costs include the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date to the estimated date of compliance.						

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$22	10-Jul-2024	7-Jan-2025	0.50	\$1	\$22	\$23
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to prepare and submit a DLQOR, calculated from the date the report was due for the second quarter of 2024 to the date of screening.						

Approx. Cost of Compliance	\$167	TOTAL	\$30
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Screening Date	7-Jan-2025	Docket No.	2025-0190-PWS-E	PCW
Respondent	Countryside Acres Homeowners Association, Inc. (PCW No. 2 of 3)			Policy Revision 5 (January 28, 2021)
Case ID No.	67179			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN110652849			
Media	Public Water Supply			
Enf. Coordinator	Daphne Greene			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.109(d)(2)(F), (f), and (g)(4)			
Violation Description	Failed to collect and report the results of routine monitoring samples for total coliform, fecal coliform, Escherichia coli (or other approved fecal indicator) at the required sampling sites to the Executive Director for the 2024 monitoring periods of April, May, June, July, August, September, and October.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			
	Potential	x		
				Percent 15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Failure to collect and report routine monitoring sampling for total coliform, fecal coliform, Escherichia coli (or other approved fecal indicator) could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.			
		Adjustment	\$4,250	
			\$750	
Violation Events				
	Number of Violation Events	7	281	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
				Violation Base Penalty \$5,250
	Seven single events are recommended, one event per missed monitoring period.			
Good Faith Efforts to Comply				
		10.0%		Reduction \$525
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondent achieved compliance by January 16, 2025.		
		Violation Subtotal	\$4,725	
Economic Benefit (EB) for this violation				
		Statutory Limit Test		
	Estimated EB Amount	\$118	Violation Final Penalty Total	\$7,088
		This violation Final Assessed Penalty (adjusted for limits)	\$7,088	

Economic Benefit Worksheet

Respondent Countryside Acres Homeowners Association, Inc. (PCW No. 2 of 3)
Case ID No. 67179
Reg. Ent. Reference No. RN110652849
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
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)	\$117	9-Dec-2024	16-Jan-2025	0.10	\$1	n/a	\$1
Notes for DELAYED costs The Other(as needed) cost includes the estimated amount to collect and have analyzed the total coliform, fecal coliform, Escherichia coli (or other approved fecal indicator) sample (\$16.68 per sample x one required sample x seven monitoring periods), calculated from the investigation date to the 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	\$117	9-Dec-2024	7-Jan-2025	0.08	\$0	\$117	\$117
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs The avoided cost includes the estimated amount to collect and have analyzed the total coliform, fecal coliform, Escherichia coli (or other approved fecal indicator) sample (\$16.68 per sample x one required sample x seven monitoring periods), calculated from the date of the investigation to the screening date.							
Approx. Cost of Compliance	\$234			TOTAL		\$118	



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Jan-2025	Screening	22-Jan-2025	EPA Due	
	PCW	6-Feb-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Countryside Acres Homeowners Association, Inc. (PCW No. 3 of 3)		
Reg. Ent. Ref. No.	RN110652849		
Facility/Site Region	7-Midland	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	67179	No. of Violations	1
Docket No.	2025-0190-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Daphne Greene
		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	\$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	45.0%	Adjustment	Subtotals 2, 3, & 7	\$337
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Notes	Enhancement for nine NOVs with same/similar violations.		
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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	-\$187
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$0	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$100	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$900
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes			
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Final Penalty Amount	\$900
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$900
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.		
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PAYABLE PENALTY	\$900
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Screening Date	22-Jan-2025	Docket No.	2025-0190-PWS-E	PCW
Respondent	Countryside Acres Homeowners Association, Inc. (PCW No. 3 of 3)			Policy Revision 5 (January 28, 2021)
Case ID No.	67179			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN110652849			
Media	Public Water Supply			
Enf. Coordinator	Daphne Greene			

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>)	9	45%
	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) 45%

>> 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 nine NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date	22-Jan-2025	Docket No.	2025-0190-PWS-E	PCW
Respondent	Countryside Acres Homeowners Association, Inc. (PCW No. 3 of 3)			Policy Revision 5 (January 28, 2021)
Case ID No.	67179			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN110652849			
Media	Public Water Supply			
Enf. Coordinator	Daphne Greene			
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 mg/L of free chlorine throughout the distribution system at all times. Specifically, Facility records showed sample location RS17 free chlorine measurements in the distribution system were below the required 0.2 mg/L minimum on October 9, 17, 18, 29, and 30 of 2024, as well as November 6, 7, and 24 of 2024.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR		Harm		
	Release	Major	Moderate	Minor
	Actual			
	Potential	x		
		Percent	15.0%	
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	Failure to maintain proper levels of disinfection could expose persons served by the Facility to contaminants which would exceed levels protective of human health.			
	Adjustment	\$4,250		
				\$750
Violation Events				
	Number of Violation Events	1	28	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
	Violation Base Penalty	\$750		
	One monthly event is recommended, calculated from the December 5, 2024, investigation date to the January 2, 2025, compliance date.			
Good Faith Efforts to Comply	25.0%		Reduction	\$187
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondent achieved compliance by January 2, 2025.		
	Violation Subtotal	\$563		
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
Estimated EB Amount	\$0	Violation Final Penalty Total	\$901	
	This violation Final Assessed Penalty (adjusted for limits)	\$901		

Economic Benefit Worksheet

Respondent Countryside Acres Homeowners Association, Inc. (PCW No. 3 of 3)
Case ID No. 67179
Reg. Ent. Reference No. RN110652849
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)	\$100	5-Dec-2024	2-Jan-2025	0.08	\$0	n/a	\$0
Notes for DELAYED costs	The Other (as needed) delayed 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 least 0.2 mg/L free chlorine throughout the distribution system, calculated from the investigation date to the 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 \$100

TOTAL \$0



Compliance History Report

Compliance History Report for CN605618073, RN110652849, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN605618073, Countryside Acres Homeowners Association, Inc.	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN110652849, COUNTRYSIDE ACRES HOA	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	SOUTH COUNTY ROAD 1040 AND EAST COUNTY ROAD 107 NEAR STANTON, MIDLAND COUNTY, TEXAS				
TCEQ Region:	REGION 07 - MIDLAND				
ID Number(s):					
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	1650174				

Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year:	2024	Rating Date:	09/01/2024
Date Compliance History Report Prepared:	May 05, 2025				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	May 05, 2020 to May 05, 2025				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Daphne Greene			Phone:	(903) 535-5157

Site and Owner/Operator History:

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

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

- A. Final Orders, court judgments, and consent decrees:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**
Item 1 August 18, 2021 (1751008)
- E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

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

1	Date:	05/28/2024	(2034092)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(d) 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F) 30 TAC Chapter 290, SubChapter F 290.109(g)(4) 30 TAC Chapter 290, SubChapter F 290.109(g)(5) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)			

- 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 04/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1
- 2 Date: 07/01/2024 (2034092)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 05/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1
- 3 Date: 08/01/2024 (2034092)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 06/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1
- 4 Date: 09/05/2024 (2034092)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 07/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1
- 5 Date: 09/18/2024 (2033827)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2024 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2024 within the required timeline. ETT Point Value = 1
- 6 Date: 10/09/2024 (2034092)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 08/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1
- 7 Date: 11/14/2024 (2034092)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)

40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 09/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1

8 Date: 12/04/2024 (2034092)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 10/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1

9 Date: 12/06/2024 (2033827)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
Description: NO3 AMCL 4Q2024 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 11/21/2024. ETT Point Value = 10

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 5/5/2020 and 5/5/2025

- 1* Date: 05/28/2024 (2034092)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
- Description: RTCR Routine MR Violation 04/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1
- 2* Date: 07/01/2024 (2034092)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
- Description: RTCR Routine MR Violation 05/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1
- 3* Date: 08/01/2024 (2034092)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
- Description: RTCR Routine MR Violation 06/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1
- 4 Date: 09/05/2024 (2034092)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
- Description: RTCR Routine MR Violation 07/2024 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline. ETT Point Value = 1
- 5 Date: 09/18/2024 (2033827)
- Self Report? NO Classification: Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)

Compliance History Report for CN605618073, RN110652849, Rating Year 2024 which includes Compliance History (CH) components from May 05, 2020, through May 05, 2025.

Description: 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
DLQOR MR 2Q2024 - The system failed to monitor and/or report distribution
disinfectant residuals to the TCEQ for the second quarter of 2024 within the required
timeline. ETT Point Value = 1

6 Date: 10/09/2024 (2034092)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)

Description: RTCR Routine MR Violation 08/2024 - Failure to collect and/or submit all routine
monitoring sample(s) within the required timeline. ETT Point Value = 1

7 Date: 11/14/2024 (2034092)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)

Description: RTCR Routine MR Violation 09/2024 - Failure to collect and/or submit all routine
monitoring sample(s) within the required timeline. ETT Point Value = 1

8 Date: 12/04/2024 (2034092)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)

Description: RTCR Routine MR Violation 10/2024 - Failure to collect and/or submit all routine
monitoring sample(s) within the required timeline. ETT Point Value = 1

9 Date: 12/06/2024 (2033827)

Self Report? NO

Classification: Major

Citation:

30 TAC Chapter 290, SubChapter F 290.106(f)(2)

Description: NO3 AMCL 4Q2024 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen)
with a sample result of 12 mg/L collected on 11/21/2024. ETT Point Value = 10

* NOV's applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B

All Investigations Conducted During Component Period May 05, 2020 and May 05, 2025

Item 1*	August 18, 2021**	(1751008)
Item 2	December 18, 2024	(2033827)
Item 3	December 19, 2024	(2034092)
Item 4	December 20, 2024	(2034057)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

For
Informational
Purposes
Only

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
COUNTRYSIDE ACRES HOMEOWNERS
ASSOCIATION, INC.
RN110652849

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2025-0190-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Countryside Acres Homeowners Association, Inc. (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at South County Road 1040 and East County Road 107 near Stanton, Midland County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 15 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During an investigation at the Facility conducted on December 5, 2024, an investigator documented that Facility records showed sample location RS17 free chlorine measurements in the distribution system were below the required 0.2 mg/L minimum on October 9, 17, 18, 29, and 30 of 2024, as well as November 6, 7, and 24 of 2024.
3. During a record review for the Facility conducted on December 9, 2024 through December 20, 2024, an investigator documented that:
 - a. The average concentration of the original and the confirmation sample for nitrate was 12 milligrams per liter ("mg/L") for the fourth quarter of 2024.

- b. A Disinfection Level Quarterly Operating Report ("DLQOR") for the second quarter of 2024 was not submitted by July 10, 2024.
 - c. The results of routine monitoring samples for total coliform, fecal coliform, *Escherichia coli* (or other approved fecal indicator) at the required sampling sites were not provided to the Executive Director for the 2024 monitoring periods of April, May, June, July, August, September, and October.
4. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
- a. By January 2, 2025, maintained a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system; and
 - b. By January 16, 2025, began to collect and report the results of routine monitoring samples for total coliform, fecal coliform, *Escherichia coli* (or other approved fecal indicator) at the required sampling sites to the Executive Director.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to maintain a disinfectant residual of at least 0.2 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).
3. As evidenced by Finding of Fact No. 3.a, the Respondent failed to comply with the acute maximum contaminant level ("MCL") of 10 mg/L for nitrate, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a).
4. As evidenced by Finding of Fact No. 3.b, the Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A), and (f)(3).
5. As evidenced by Finding of Fact No. 3.c, the Respondent failed to collect and report the results of routine monitoring samples for total coliform, fecal coliform, *Escherichia coli* (or other approved fecal indicator) at the required sampling sites to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.109(d)(2)(F), (f), and (g)(4).
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of \$12,337 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE

§ 341.049(b). The TCEQ has determined that Conclusion of Law No. 3 qualifies for 100% deferral. Therefore, the amount of \$3,625 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and 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 requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred penalty. The Respondent paid \$242 of the penalty.

The remaining amount of \$8,470 of the undeferred penalty shall be paid in 35 monthly payments of \$242 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 7 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Countryside Acres Homeowners Association, Inc., Docket No. 2025-0190-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.

- b. Within 45 days after the effective date of this Order, submit written certification in accordance with Ordering Provision No. 2.h, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 90 days after the effective date of this Order, begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. The provision will be satisfied upon one quarter of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC-155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Within 180 days after the effective date of this Order, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days after the effective date of this order with the acute MCL for nitrate to the addresses listed in Ordering Provision No. 2.h.
- e. Within 195 days after the effective date of this Order, submit written certification in accordance with Ordering Provision No. 2.h, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c and 2.d.
- f. Within 365 days after the effective date of this Order and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.h below. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate.
- g. Within 1,095 days after the effective date of this Order, return to compliance with the acute MCL for nitrate, in accordance with 30 TEX. ADMIN. CODE § 290.106.
- h. Within 1,110 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I

am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Midland Regional Office
Texas Commission on Environmental Quality
10 Desta Drive, Suite 350E
Midland, Texas 79705

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Krista Mello-Jurack

08/17/2025

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.

Paul D. Evans

Signature

5.27.25

Date

Paul D. Evans

Name (Printed or typed)

PRESIDENT

Title

Authorized Representative of
Countryside Acres Homeowners Association, Inc.

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

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