

V104-111 COMPLIANCE DATA SHEET

Name:	Pesca Pluma, LLC
Applicable Permit No(s). and Type(s):	IRP-P107-068 (Industrial-Ag) = 98.740 acre-feet
Alleged Violation:	Exceeded annual authorized groundwater withdrawal during 2016.
Violation Rule Reference:	§§ 709.37, 711.134, 711.224 and 711.228
Status of Violation:	<input checked="" type="checkbox"/> Violator Not In Compliance <input type="checkbox"/> Violator Now In Compliance
Director District and County of Alleged Violation:	District-5 (Bexar County)
Prior / Other Violations of the Alleged Violator:	<ul style="list-style-type: none"> Exceeded authorized groundwater withdrawal during 2015; (7/28/2016) received penalty payment in the amount of \$200.00 and attended Workshop; File closed.
Additional Information:	2016 annual authorized withdrawal amount was 121.120 acre-feet; pumped 129.838 acre-feet; exceeded authorized groundwater withdrawal by 8.718 acre-feet.
Staff Recommendation Calculation:	<ul style="list-style-type: none"> Penalties = $(8.718 \text{ af} \times \\$450.00) = \\$3,923.10$; AMFs = $(8.718 \text{ af} \times \\$2.00) + 18\% = \\$20.57$; Prior Violations = $1 + 15\% = \\$586.09$ <p>Total proposed settlement amount = \$4,529.76</p> <p>Administrative Settlement = \$200.00</p>
Counter-offer Proposal:	<ul style="list-style-type: none"> Pay \$200.00 for failing to file transfer application; Pay 5% of the EAA settlement \$226.48; Withhold collection of remaining EAA settlement of \$4,303.28 pending no over-pumping in 2017 and 2018.
Recommended Action:	Permit Holder has made a counter-offer to the EAA settlement, staff makes no recommendation on the counter-offer proposal.