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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0480-PWS-E TCEQ ID: RN101187433 CASE NO.: 33044
RESPONDENT NAME: Lilbert-Looneyville Water Supply Corporation

| | | |
|--|---|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input checked="" type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: Lilbert Looneyville WSC, 2 miles east of Lilbert on Farm-to-Market Road 343, Nacogdoches County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 10, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, R-13, (210) 403-4077; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. John Raney, President, Lilbert-Looneyville Water Supply Corporation, RR 1 Box 45, Cushing, Texas 75760 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|---|--|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 10, 2007</p> <p>Date of NOE Relating to this Case: March 9, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Nine violations were documented.</p> <p>WASTE</p> <p>1) Failure to prevent livestock from being within 50 feet of water supply wells. Specifically, at the time of the investigation, it was noted that livestock was permitted within 20 feet of wells Nos. 2 and 3 [30 TEX. ADMIN. CODE § 290.41(c)(1)(D)].</p> <p>2) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was noted that the roof hatch on the ground storage tank was corroded [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>3) Failure to have backflow prevention assemblies tested and certified to be operating within specifications at least annually by a certified backflow prevention assembly tester. Specifically, backflow prevention assemblies at poultry farms located at 246 Washboard Rd. and 4716 N FM 225 were not tested in the 12 months preceding the January 10, 2007 investigation [30 TEX. ADMIN. CODE § 290.44(h)(1)(B)(i)].</p> <p>4) Failure to inspect the interior surface of the pressure tank every five years [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> | <p>Total Assessed: \$3,387</p> <p>Total Deferred: \$677 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$250 (the remaining \$2,460 to be paid in 9 monthly payments of \$250 each and one final payment of \$210)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On March 3, 2007, conducted an inspection of the interior surface of the pressure tank;</p> <p>b. On March 7, 2007, had backflow prevention assemblies tested and certified to be operating within specifications at the poultry farm connections;</p> <p>c. On March 8, 2007, submitted an up-to-date chemical and microbiological monitoring plan; and</p> <p>d. On March 8, 2007, submitted photographs which indicated that raw water sampling cocks had been installed on the system's wells.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Equip the ground storage tank with an overflow pipe flap valve assembly; and</p> <p>ii. Initiate maintenance and housekeeping practices to ensure good working condition and general appearance of the system's facilities and equipment, including but not limited to repairing the roof hatch on the ground storage tank;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification that demonstrates compliance with Ordering Provision No. 2.a.;</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Obtain a sanitary control easement or Commission approval of an exception to the easement requirement that covers the land within 150 feet of the system's wells; and</p> |

5) Failure to provide the ground storage tank with an overflow pipe flap valve assembly with a gap of no more than 1/16 inch. Specifically, at the time of the investigation, there was no overflow pipe on the ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(3)].

6) Failure to maintain an up-to-date chemical and microbiological monitoring plan. Specifically, at the time of the investigation, it was noted that the monitoring plan needed to be updated to reflect current sampling sites [30 TEX. ADMIN. CODE § 290.121(a)].

7) Failure to provide a suitable sampling cock on the discharge pipe of each well pump. Specifically, at the time of the investigation, it was noted that there were no raw water sampling cocks on wells Nos. 2 and 3 [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].

8) Failure to provide two or more pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, the water system was providing the service pump capacity of 1.9 gpm per connection, which is a 5% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

9) Failure to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the water system's wells. Specifically, at the time of the investigation, there were no sanitary easements for wells Nos. 2 and 3 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].

ii. Ensure that livestock are not allowed within 50 feet of the water supply wells or Commission approval of an exception to the rule requirement is obtained;

d. Within 75 days after the effective date of this Agreed Order, submit written certification that demonstrates compliance with Ordering Provision No. 2.c.;

e. Within 90 days of the effective day of this Agreed Order, provide a minimum service pump capacity of 2.0 gallons per minute per connection; and

f. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 12-Mar-2007 | Screening | 20-Mar-2007 | EPA Due | |
| | PCW | 21-Mar-2007 | | | | |

| | | | |
|--|---|---------------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | Libert-Looneyville Water Supply Corporation | | |
| Reg. Ent. Ref. No. | RN101187433 | | |
| Facility/Site Region | 10-Beaumont | Major/Minor Source | Minor |

| | | | |
|--|---------------------|--------------------------|-------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 33044 | No. of Violations | 9 |
| Docket No. | 2007-0480-PWS-E | Order Type | 1660 |
| Media Program(s) | Public Water Supply | Enf. Coordinator | Yuliya Dunaway |
| Multi-Media | | EC's Team | EnforcementTeam 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

| | | |
|---------------|-------------------------------------|------------------------------|
| | Before NOV | NOV to EDRP/Settlement Offer |
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> |
| N/A | <input checked="" type="checkbox"/> | (mark with x) |

Notes

Total EB Amounts **Subtotal 6**
Approx. Cost of Compliance ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 20-Mar-2007

Docket No. 2007-0480-PWS-E

PCW

Respondent Libert-Looneyville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33044

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101187433

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component Number of... Enter Number Here Adjust.

| | | | |
|-------------------------------|--|---|-----|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 1 | 5% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 1 | 20% |
| | 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 (number of judgments or consent decrees meeting criteria) | 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 (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 0 | 0% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| 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) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one agreed final order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 20-Mar-2007

Docket No. 2007-0480-PWS-E

PCW

Respondent Lilbert-Looneyville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33044

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101187433

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(D)

Violation Description Failed to prevent livestock from being within 50 feet of water supply wells. Specifically, at the time of the investigation, it was noted that livestock was permitted within 20 feet of wells Nos. 2 and 3.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 25% |
| Potential | x | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0% |

Matrix Notes

Failure to prevent livestock from being within 50 feet of water supply wells could result in the contamination of the water supply and/or exposure of customers to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 6 Number of violation days 69

| | | |
|-------------------------|------------|---|
| mark only one with an x | daily | |
| | monthly | x |
| | quarterly | |
| | semiannual | |
| | annual | |
| single event | | |

Violation Base Penalty \$1,500

Six monthly events (three for each well) are recommended from the date of the investigation, January 10, 2007 to the date of screening, March 20, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$113

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

Economic Benefit Worksheet

Respondent Libbert-Looneyville Water Supply Corporation
Case ID No. 33044
Reg. Ent. Reference No. RN101187433
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 | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|-----|-----|-------|-------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | \$2,000 | 10-Jan-2007 | 1-Nov-2007 | 0.8 | \$5 | \$108 | \$113 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs include the amount to prevent livestock from being within 50 feet of the water supply wells, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$2,000

TOTAL

\$113

Screening Date 20-Mar-2007

Docket No. 2007-0480-PWS-E

PCW

Respondent Libert-Looneyville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33044

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101187433

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)

Violation Description Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was noted that the roof hatch on the ground storage tank was corroded.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|-----------|---------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| Actual | | | | | 10% |
| Potential | | | x | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|--------------|---------------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | | | | | 0% |

Failure to maintain the ground storage tank in good condition could result in the exposure of customers of the water supply to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 69 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | x |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, January 10, 2007 to the date of screening, March 20, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Libert-Looneyville Water Supply Corporation
Case ID No. 33044
Reg. Ent. Reference No. RN101187433
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 | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|-----|-----|------|------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | \$500 | 10-Jan-2007 | 1-Oct-2007 | 0.7 | \$1 | \$24 | \$25 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs include the amount to repair or replace the roof hatch on the ground storage tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$25

Screening Date 20-Mar-2007

Docket No. 2007-0480-PWS-E

PCW

Respondent Libert-Looneyville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33044

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101187433

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(1)(B)(i)

Violation Description Failed to have backflow prevention assemblies tested and certified to be operating within specifications at least annually by a certified backflow prevention assembly tester. Specifically, backflow prevention assemblies at poultry farms located at 246 Washboard Rd. and 4716 N FM 225 were not tested in the 12 months preceding the January 10, 2007 investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | x | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Failure to have backflow prevention assemblies tested could cause exposure of customers of the water supply to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 56 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | x |
| | single event | |

Violation Base Penalty \$500

Two annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$727

Violation Final Penalty Total \$625

This violation Final Assessed Penalty (adjusted for limits) \$625

Economic Benefit Worksheet

Respondent Libert-Looneyville Water Supply Corporation
Case ID No. 33044
Reg. Ent. Reference No. RN101187433
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 | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|-----|-----|-----|-----|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | \$600 | 10-Jan-2006 | 7-Mar-2007 | 1.2 | \$35 | \$692 | \$727 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated costs include the amount to annually test the backflow prevention devices, calculated from the date when violation occurred to the date of compliance.

Approx. Cost of Compliance

\$600

TOTAL

\$727

Screening Date 20-Mar-2007

Docket No. 2007-0480-PWS-E

PCW

Respondent Libert-Looneyville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33044

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101187433

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description

Failed to inspect the interior surface of the pressure tank every five years.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | x | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Failure to inspect the pressure tank could result in the interruption of service and/or the exposure of a significant amount of contaminants to the customers of the water supply which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

52 Number of violation days

| | |
|--------------|---|
| daily | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,701

Violation Final Penalty Total \$312

This violation Final Assessed Penalty (adjusted for limits) \$312

Economic Benefit Worksheet

Respondent Libert-Looneyville Water Supply Corporation
Case ID No. 33044
Reg. Ent. Reference No. RN101187433
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 | Onetime Costs | EB Amount |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|-----|-----|-----|-----|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|-------|-------------|------------|-----|-------|---------|---------|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | \$500 | 10-Jan-2002 | 3-Mar-2007 | 5.1 | \$129 | \$2,573 | \$2,701 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated costs include the amount to inspect the interior surface of the pressure tank every five years, calculated from a date five years previous to the date of the investigation to the date of compliance.

Approx. Cost of Compliance

\$500

TOTAL

\$2,701

Screening Date 20-Mar-2007

Docket No. 2007-0480-PWS-E

PCW

Respondent Libert-Looneyville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33044

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101187433

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)

Violation Description Failed to provide the ground storage tank with an overflow pipe flap valve assembly with a gap of no more than 1/16 inch. Specifically, at the time of the investigation, there was no overflow pipe on the ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|-----------|---------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| Actual | | | | | 10% |
| Potential | | x | | | |

>> Programmatic Matrix

| OR | Falsification | Harm | | | Percent |
|-----------|---------------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| Actual | | | | | 0% |
| Potential | | | | | |

Matrix Notes Without an overflow pipe installed on the ground storage tank, air and/or excessive water could not escape from the tank and the system's ability to provide a safe and adequate water supply could be compromised.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 69

| | | |
|-------------------------|------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | x |
| | semiannual | |
| | annual | |
| single event | | |

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, January 10, 2007 to the date of screening, March 20, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Libert-Looneyville Water Supply Corporation
Case ID No. 33044
Reg. Ent. Reference No. RN101187433
Media Public Water Supply
Violation No. 5

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|-----|-----|------|------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | \$1,000 | 10-Jan-2007 | 1-Nov-2007 | 0.8 | \$3 | \$54 | \$57 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs include the amount to equip the ground storage tank with a properly designed overflow, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$1,000

TOTAL

\$57

Screening Date 20-Mar-2007

Docket No. 2007-0480-PWS-E

PCW

Respondent Libert-Looneyville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33044

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101187433

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.121(a)

Violation Description Failed to maintain an up-to-date chemical and microbiological monitoring plan. Specifically, at the time of the investigation, it was noted that the monitoring plan needed to be updated to reflect current sampling sites.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | x |

Percent 1%

Matrix Notes

20% of the rule requirements were not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

57 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$10

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$12

This violation Final Assessed Penalty (adjusted for limits) \$12

Economic Benefit Worksheet

Respondent Libert-Looneyville Water Supply Corporation
Case ID No. 33044
Reg. Ent. Reference No. RN101187433
Media Public Water Supply
Violation No. 6

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 6.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|-----|-----|-----|-----|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | \$100 | 10-Jan-2007 | 8-Mar-2007 | 0.2 | \$1 | n/a | \$1 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs include the amount to maintain an up-to-date monitoring plan, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$100

TOTAL

\$1

Screening Date 20-Mar-2007

Docket No. 2007-0480-PWS-E

PCW

Respondent Libert-Looneyville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33044

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101187433

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(M)

Violation Description Failed to provide a suitable sampling cock on the discharge pipe of each well pump. Specifically, at the time of the investigation, it was noted that there were no raw water sampling cocks on wells Nos. 2 and 3.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | x |

Percent 5%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Failure to provide the system's wells with a suitable sampling cocks could result in the exposure of customers of the water supply to an insignificant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

2

57 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$100

Two single events (one for each well) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Libbert-Looneyville Water Supply Corporation
Case ID No. 33044
Reg. Ent. Reference No. RN101187433
Media Public Water Supply
Violation No. 7

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost <small>No commas or \$</small> | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|---|---------------|------------|-----|----------------|---------------|-----------|
| Delayed Costs | | | | | | | |
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | \$500 | 10-Jan-2007 | 8-Mar-2007 | 0.2 | \$0 | \$5 | \$5 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to install raw water sampling cocks on the system's wells, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$5

Screening Date 20-Mar-2007

Docket No. 2007-0480-PWS-E

PCW

Respondent Libert-Looneyville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33044

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101187433

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide two or more pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, the water system was providing the service pump capacity of 1.9 gpm per connection, which is a 5% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | X |

Percent 5%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Without sufficient service pump capacity, customers of the water supply could be exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

1

69 Number of violation days

| | | |
|----------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | X |

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$62

This violation Final Assessed Penalty (adjusted for limits) \$62

Economic Benefit Worksheet

Respondent Libert-Looneyville Water Supply Corporation
Case ID No. 33044
Reg. Ent. Reference No. RN101187433
Media Public Water Supply
Violation No. 8

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| Delayed Costs | | | | | | | |
| Equipment | \$500 | 10-Jan-2007 | 1-Dec-2007 | 0.9 | \$1 | \$30 | \$31 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs include the amount to provide a total service pump capacity of 2.0 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$31

Screening Date 20-Mar-2007

Docket No. 2007-0480-PWS-E

PCW

Respondent Libert-Looneyville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33044

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101187433

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the water system's wells. Specifically, at the time of the investigation, there were no sanitary easements for wells Nos. 2 and 3.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|-----------|---------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| Actual | | | | | 5% |
| Potential | | | x | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0% |

Matrix Notes Failure to obtain a sanitary control easement could result in the exposure of customers of the water supply to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 69 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$100

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Llibert-Looneyville Water Supply Corporation
Case ID No. 33044
Reg. Ent. Reference No. RN101187433
Media Public Water Supply
Violation No. 9

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|-----|------|-----|------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | \$400 | 10-Jan-2007 | 1-Oct-2007 | 0.7 | \$14 | n/a | \$14 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs include the amount to prepare a sanitary control easement for each system's well, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$400

TOTAL

\$14

Compliance History

| | | | | |
|---|--|--|-----------------|--------------|
| Customer/Respondent/Owner-Operator: | CN600634109 | Lilbert-Looneyville Water Supply Corporation | Classification: | Rating: |
| Regulated Entity: | RN101187433 | LILBERT LOONEYVILLE WSC | Classification: | Site Rating: |
| ID Number(s): | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | | 1740013 |
| | WATER LICENSING | LICENSE | | 1740013 |
| Location: | 2 MILES E OF LILBERT ON FM 343, NACOGDOCHES COUNTY, TX | | | |
| TCEQ Region: | REGION 10 - BEAUMONT | | | |
| Date Compliance History Prepared: | March 12, 2007 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | March 12, 2002 to March 12, 2007 | | | |

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Yuliya Dunaway Phone: 210-403-4077

Site Compliance History Components

- | | |
|--|-----|
| 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

- Effective Date: 09/25/2003 ADMINORDER 2003-0183-PWS-E
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)[G]
- Description: Failure to take bact samples at the frequency required.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)[G]
- Description: Failure to take repeat bact samples following a sample containing coliform organisms as required.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
- Description: Failure to take 5 bact samples the month following a sample containing coliform organisms as required.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
- Description: Exceeded MCL for samples containing coliform organisms.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(g)[G]
30 TAC Chapter 290, SubChapter F 290.122[G]
- Description: Failure to properly notify the public due to coliform found samples or failure to sample for coliform as required.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|---|------------|-------------------|
| 1 | 10/10/2002 | (IE0018842001001) |
| 2 | 06/15/2004 | (275095) |
| 3 | 03/26/2006 | (459385) |
| 4 | 03/09/2007 | (539624) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/16/2004 (275095)

| | | | |
|--------------|--|-----------------|----------|
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D) | | |
| Description: | Failure to prevent livestock from being within 50 feet of Well # 1 and Well # 2. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(v) | | |
| Description: | Failure to install all electrical wiring in conduit at all operating wells. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A) | | |
| Description: | Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m) | | |
| Description: | Failure to maintain the system's facilities and equipment. | | |

- 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
LILBERT-LOONEYVILLE WATER
SUPPLY CORPORATION
RN101187433

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER
DOCKET NO. 2007-0480-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lilbert-Looneyville Water Supply Corporation ("Lilbert-Looneyville WSC") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Lilbert-Looneyville WSC appear before the Commission and together stipulate that:

1. Lilbert-Looneyville WSC owns and operates a public water supply two miles east of Lilbert on Farm-to-Market Road 343, Nacogdoches County, Texas (the "Facility") that has approximately 206 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Lilbert-Looneyville WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that Lilbert-Looneyville WSC is subject to the Commission's jurisdiction.
3. Lilbert-Looneyville WSC received notice of the violations alleged in Section II ("Allegations") on or about March 14, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Lilbert-Looneyville WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand Three Hundred Eighty-Seven Dollars (\$3,387) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Lilbert-Looneyville WSC has paid Two Hundred Fifty Dollars (\$250) of the

administrative penalty and Six Hundred Seventy-Seven Dollars (\$677) is deferred contingent upon Lilbert-Looneyville WSC's timely and satisfactory compliance with all the terms of this Agreed Order. If Lilbert-Looneyville WSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Lilbert-Looneyville WSC to pay all or part of the deferred penalty.

The remaining amount of Two Thousand Four Hundred Sixty Dollars (\$2,460) of the administrative penalty shall be payable in 9 monthly payments of Two Hundred Fifty Dollars (\$250) each and one final payment of Two Hundred Ten Dollars (\$210). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Lilbert-Looneyville WSC fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Lilbert-Looneyville WSC to meet the payment schedule of this Agreed Order constitutes the failure by Lilbert-Looneyville WSC to timely and satisfactorily comply with all the terms of this Agreed Order.

6. 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.
7. The Executive Director of the TCEQ and Lilbert-Looneyville WSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Lilbert-Looneyville WSC has implemented the following corrective measures at the Facility:
 - a. On March 3, 2007, conducted an inspection of the interior surface of the pressure tank;
 - b. On March 7, 2007, had backflow prevention assemblies tested and certified to be operating within specifications at the poultry farm connections;
 - c. On March 8, 2007, submitted an up-to-date chemical and microbiological monitoring plan; and
 - d. On March 8, 2007, submitted photographs which indicated that raw water sampling cocks had been installed on the system's wells.
9. 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 Lilbert-Looneyville WSC has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Lilbert-Looneyville WSC is alleged to have:

1. Failed to prevent livestock from being within 50 feet of water supply wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(D), as documented during an investigation conducted on January 10, 2007.
2. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on January 10, 2007.
3. Failed to have backflow prevention assemblies tested and certified to be operating within specifications at least annually by a certified backflow prevention assembly tester, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(B)(i), as documented during an investigation conducted on January 10, 2007.
4. Failed to inspect the interior surface of the pressure tank every five years, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on January 10, 2007.
5. Failed to provide the ground storage tank with an overflow pipe flap valve assembly, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on January 10, 2007.
6. Failed to maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on January 10, 2007.
7. Failed to provide a suitable sampling cock on the discharge pipe of each well pump, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M), as documented during an investigation conducted on January 10, 2007.
8. Failed to provide two or more pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 10, 2007.
9. Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the water system's wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on January 10, 2007.

III. DENIALS

Lilbert-Looneyville WSC generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Lilbert-Looneyville WSC pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Lilbert-Looneyville WSC's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lilbert-Looneyville Water Supply Corporation, Docket No. 2007-0480-PWS-E" to:

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

2. It is further ordered that Lilbert-Looneyville WSC shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Equip the ground storage tank with an overflow pipe flap valve assembly, as required by 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Initiate maintenance and housekeeping practices to ensure good working condition and general appearance of the system's facilities and equipment, including but not limited to repairing the roof hatch on the ground storage tank, as required by 30 TEX. ADMIN. CODE § 290.46;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 2.f., that demonstrates compliance with Ordering Provision No. 2.a.;
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Obtain a sanitary control easement or Commission approval of an exception to the easement requirement that covers the land within 150 feet of the system's wells, as required by 30 TEX. ADMIN. CODE § 290.41; and
 - ii. Ensure that livestock are not allowed within 50 feet of the water supply wells or Commission approval of an exception to the rule requirement is obtained, as required by 30 TEX. ADMIN. CODE § 290.41;

- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 2.f., that demonstrates compliance with Ordering Provision No. 2.c.;
- e. Within 90 days of the effective day of this Agreed Order, provide a minimum service pump capacity of 2.0 gallons per minute per connection, as required by 30 TEX. ADMIN. CODE § 290.45; and
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Lilbert-Looneyville WSC. Lilbert-Looneyville WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Lilbert-Looneyville WSC shall be made in writing to the Executive Director. Extensions are not effective until Lilbert-Looneyville WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against Lilbert-Looneyville WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Lilbert-Looneyville WSC, or three days after the date on which the Commission mails notice of the Order to Lilbert-Looneyville WSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Lilbert-Looneyville Water Supply Corporation
DOCKET NO. 2007-0480-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szallie
For the Executive Director

9/7/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 Attorney General's Office 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 Attorney General's Office 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

John A Raney
Signature

6-27-07
Date

John A Raney
Name (Printed or typed)
Authorized Representative of
Lilbert-Looneyville Water Supply Corporation

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

