EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2003-0639-PWS-E **TCEQ ID:** Certificate of Convenience & Necessity ("CCN") No. 10147; RN101181378, RN101192516, RN101186112, RN101283323, RN101202109, RN101190536, RN101188878, RN101239333, RN101253136, RN101456952, RN101454866, RN103129342, RN101269694, RN101272292, RN101242006, RN101259539, RN102693454, RN101201960, RN101199776, RN101264596, RN101243103, RN101280790, RN101454106, RN101285484, RN101263226 **CASE NO.:** 343

RESPONDENT NAME: Lake Livingston Water Supply and Sewer Service Corporation

ORDER TYPE:

X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	__AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	X PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Polk, Hardin, San Jacinto, and Trinity Counties

TYPE OF OPERATION: Public Water Supply

SMALL BUSINESS: ___ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 25, 2005. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms Audra L. Ruble, Enforcement Division, Enforcement Section IV, MC R-14, (361) 825-3126; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, MC 219, (512) 239-1896
TCEQ Field Investigator: Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 898-3838
Central Office Investigator: Ms. Alicia Diehl, Water Supply Division, Public Drinking Water Section, MC 155, (512) 239-1626
Respondent: Mr. Doyle LaGow, President, Board of Directors, Lake Livingston Water Supply and Sewer Service Corporation, P.O. Box 1149, Livingston, Texas 77351-1149
Respondent's Attorney: Not represented by counsel on this enforcement matter

Attachment: Site Compliance History

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Dates of Investigations Relating to this Case:** November 28, 29, 2001, December 4, 6, 19, 20, 2001, and January3, 7, 8, 2002 **Date of NOE Relating to this Case:** June 20, 2003 (NOE) **Background Facts:** Routine investigations which found several significant program violations. **WATER** Bass Bay / Indian Hills #1, RN101181378 1.) Failure to provide a well capacity of 1.5 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 2.) Beech Creek Village, PWS No. 1870141, RN101192516 a. Failure to properly locate the inlet and outlet connections so as to prevent short circuiting or stagnation of water within the ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(5)]. b. Failure to maintain records of annual pressure tank inspections [30 TEX. ADMIN. CODE § 290.46(f)(2)]. c. Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].	**Total Assessed:** $63,456 **Total Deferred:** $12,692 _X_ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $1,764 (remaining $49,000 due in 35 monthly payments of $1,400 each) **Site Compliance History Classification:** __High __Avg. __Poor **Person Compliance History Classification:** __High __Avg. __Poor **Major Source:** _X_ Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that Lake Livingston has implemented the following corrective measures at the Facilities: a. Submitted correspondence dated September 24, 2003 demonstrating that the violations described in Allegations 2.a. and b., 3.a., 4.a., 5.a., 6.a. through 6.f., 8.a. through 8.d., 9.d. through 9.f., 10.a. through 10.d., 11.a. and c., 12.a. through 12.d., 14.a., 15.b. and c., 16.a. through 16.d., 16.h., 17.a. and 17.b., 17.d. and 17.e., 18.a. through 18d., 19.a. through 19.c., 19.e., 20.a. through 20.e., and 20.g., 21.a., 23.a., 24.c., and 25.a. have been corrected; and b. Submitted correspondence dated April 4, 2004 demonstrating that the violations described in Allegations 6.g. and h., 7.b. and c., 13.a. and b., and 17.f. through 17.k. have been corrected. **Ordering Provisions:** It is further ordered that Lake Livingston shall undertake the following technical requirements: a. Within 30 days after the effective date of this Agreed Order: i. Conduct a feasibility investigation at Crystal Lakes which will evaluate alternate water sources and viable treatment technologies to correct the gross alpha and combined radium violations. The investigation is to be repeated at three-year intervals as long as the violation exists. Within one year after the determination by either the Commission or Lake Livingston of a viable treatment option or the availability of an alternate source of supply, Lake Livingston agrees to provide water to its customers which meets the Commission's chemical quality standards. Lake Livingston shall submit a written report of the feasibility investigation;

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER d. Failure to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area when the system has reached 85% of its capacity [30 TEX. ADMIN. CODE § 291.93(3)]. 3. Big Thicket Retreat, PWS No. 1870136, RN101283323 a. Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system [30 TEX. ADMIN. CODE § 290.109(c)(1)(A)]. b. Failure to provide a well capacity of 1.5 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)] . c. Failure to provide a pressure tank capacity of 50 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 4. Country Sunrise, PWS No. 1870135, RN101283323 a. Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system [30 TEX. ADMIN. CODE § 290.109(c)(1)(A)]. b. Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		ii. Provide wells 1 and 3 at Wiggins Village #2 with a casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface, in accordance with 30 TEX. ADMIN. CODE § 290.41(c)(3)(B); and iii. Install a concrete sealing block compliant with 30 TEX. ADMIN. CODE § 290.41(c)(3)(J) around well 1 at Wiggins Village #2. b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions a.i. through a.iii.; c. Within 60 days after the effective date of this Agreed Order: i. Provide the minimum capacity requirements at Bass Bay/Indian Hills #1, Big Thicket Retreat, Country Sunrise, Crystal Lakes, Impala Woods, Lake Tejas, Northwoods, Nugents Cove Water System, Point Lookout Estates, Riverview Terrace Water System, Weavers Cove Water System, Wild Bird Country Water System, and Wilson Lake Estates Water Supply, as required by 30 TEX. ADMIN. CODE § 290.45; ii. For Beech Creek Village, submit a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certified area, as required by 30 TEX. ADMIN. CODE § 291.93(3); and iii. Plug and seal the abandoned wells at Holiday Shores No. 4, as required by 30 TEX. ADMIN. CODE § 290.46(u).

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER c. Failure to provide a service pump capacity of 2.0 gallons per minute per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 5. Crystal Lakes, PWS No. 1870044, RN101202109 a. Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system [30 TEX. ADMIN. CODE § 290.109(c)(1)(A)]. b. Failure to meet the maximum contaminant levels ("MCL") for gross alpha particle activity of 15 pCi/L and combined radium 226 and radium 228 of 5 pCi/L [30 TEX. ADMIN. CODE § 290.108(b)(1)]. c. Failure to provide a well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 6. Holiday Shores No. 1-2-3, PWS No. 2040006, RN101190536 a. Failure to consistently conduct daily chlorine residual tests throughout the distribution system [30 TEX. ADMIN. CODE § 290.110(c)(5)(B)]. b. Failure to properly maintain a record of operations [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(ii)]. c. Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities [30 TEX. ADMIN. CODE § 290.46(m) and Order, Docket No. 31328-S].		d. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions c.i. through c.iii.; e. Within 180 days after the effective date of this Agreed Order, provide a proper purchase water contract for Oakridge Water System, as required by 30 TEX. ADMIN. CODE § 290.45(f); f. Within 360 days after the effective date of this Agreed Order, provide the minimum capacity requirements at Beech Creek Village, Indian Hills #2, Lake Livingston Estates No. 2 & 3, and Pine Shadows Water System as required by 30 TEX. ADMIN. CODE § 290.45; g. Within 375 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions f.; and h. Submit all correspondence, reports, and documentation required by these Ordering Provisions.

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER d. Failure to provide each of the ground storage tanks at wells 1 and 3 with a properly designed roof access opening, with a minimum diameter of 24 inches, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2) and Order, Docket No. 31328-S]. e. Failure to equip the ground storage tank at well 1 with a water level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)]. f. Failure to provide a class C certified operator [30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a)]. g. Failure to provide a well capacity of 0.6 gpm per connection, [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. h. Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 7. Holiday Shores No. 4, PWS No. 2040011, RN101188878 a. Failure to plug an abandoned well [30 TEX. ADMIN. CODE § 290.46(u)]. b. Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities [30 TEX. ADMIN. CODE § 290.46(m) and Order, Docket No. 31328-S].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER		
c. Failure to provide a class C certified operator [30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a)].		
8. Impala Woods, PWS No. 1870094, RN101239333		
a. Failure to provide a class C certified operator [30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a)].		
b. Failure to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)].		
c. Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities [30 TEX. ADMIN. CODE § 290.46(m)].		
d. Failure to equip the pressure tank with a site glass [30 TEX. ADMIN. CODE § 290.43(d)(3)].		
e. Failure to provide two or more wells having a total capacity of 0.6 gpm, per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i), Order, Docket No. 31328-S, and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		
f. Failure to provide a total rated service pump capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER 9. Indian Hills #2, PWS No. 1870020, RN101253136 a. Failure to provide two or more wells having a total capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. b. Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c) and Agreed Order, Docket No. 31328-S]. c. Failure to provide a service pump capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c) and Agreed Order, Docket No. 31328-S]. d. Failure to collect all routine bacteriological samples at active service connections which are representative of water throughout the distribution system and that are noted specifically on the Facility's site sampling plan [30 TEX. ADMIN. CODE § 290.109(c)(1)(A)]. e. Failure to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)]. f. Failure to plug an abandoned well [30 TEX. ADMIN. CODE § 290.46(u)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER		
10. Indian Springs Lake Estates, PWS No. 1870040, RN101456952		
a. Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities [30 TEX. ADMIN. CODE § 290.46(m) and Order, Docket No. 31328-S].		
b. Failure to provide a legible ownership sign that is located in plain view of the public [30 TEX. ADMIN. CODE § 290.46(t)].		
c. Failure to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)].		
d. Failure to maintain records of annual pressure tank inspections [30 TEX. ADMIN. CODE § 290.46(f)(2)].		
11. Lake Livingston Estates No. 2 & 3, PWS No. 1870073, RN101454866		
a. Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities [30 TEX. ADMIN. CODE § 290.46(m)].		
b. Failure to provide a well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		
c. Failure to provide two or more service pumps having a total capacity of 2 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER 12. Lake Livingston Estates 4 & 5, PWS No. 1870027, RN103129342 a. Failure to equip the ground storage tank at Plant #2 with a proper hinged flap valve [30 TEX. ADMIN. CODE § 290.43(c)(3) and Order, Docket No. 31328-S]. b. Failure to repair the cracked concrete sealing block on well number one [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)]. c. Failure to provide a well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. d. Failure to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)]. 13. Lake Run-A-Muck, PWS No. 204009, RN10126994 a. Failure to properly locate the inlet and outlet connections so as to prevent short circuiting or stagnation of water within the ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(5)]. b. Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c) and Agreed Order, Docket No. 31328-S].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER 14. Lake Tejas, PWS No. 2040025, RN101272292 a. Failure to take the proper number of raw water samples in May 2001 [30 TEX. ADMIN. CODE § 290.46(b) and TEX. HEALTH & SAFETY CODE § 341.033(c)]. b. Failure to provide a well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 15. Northwoods, PWS No. 2040013, RN101242006 a. Failure to provide a well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. b. Failure to properly locate the inlet and outlet connections so as to prevent short circuiting or stagnation of water within the ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(5)]. c. Failure to provide a class C certified operator [30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a)]. 16. Nugents Cove Water System, PWS No. 1870013, RN101259539 a. Failure to collect all routine bacteriological samples at active service connections which are representative of water throughout the distribution system [30 TEX. ADMIN. CODE § 290.109(c)(1)(A)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER b. Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities [30 TEX. ADMIN. CODE § 290.46(m)]. c. Failure to ensure that the ground storage tank vent is designed to prevent possible entry of dust, birds, insects or any contaminants [30 TEX. ADMIN. CODE § 290.43(c)(1)]. d. Failure to properly locate the inlet and outlet connections on the ground storage tank so as to prevent short circuiting or stagnation of water within the tank [30 TEX. ADMIN. CODE § 290.43(c)(5)]. e. Failure to provide a well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. f. Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. g. Failure to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. h. Failure to maintain records of annual pressure tank inspections [30 TEX. ADMIN. CODE § 290.46(f)(2)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER 17. Oakridge Water System, PWS No. 2280003, RN102693454 a. Failure to provide a class C certified operator [30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a)]. b. Failure to collect all routine bacteriological samples at active service connections which are representative of water throughout the distribution system [30 TEX. ADMIN. CODE § 290.109(c)(1)(A)]. c. Failure to provide a proper purchase water contract [30 TEX. ADMIN. CODE § 290.45(f)]. d. Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities [30 TEX. ADMIN. CODE § 290.46(m)]. e. Failure to lock the roof hatch on the 0.036 MG Oakridge ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(2)]. f. Failure to properly locate the inlet and outlet connections on the 0.012 MG Oakridge ground storage tank so as to prevent short circuiting or stagnation of water within the ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(5)]. g. Failure to maintain the drain of the ground storage tank so that it is not subject to submergence [30 TEX. ADMIN. CODE § 290.43(c)(7)]. h. Failure to equip the pressure tank at the Timber Bay Subdivision with a site glass, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER i. Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. j. Failure to provide two or more service pumps that have a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. k. Failure to provide a pressure tank capacity of 20 gallons per connection at the Oakridge plant [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 18. Paradise Acres, PWS No. 1870076, RN101201960 a. Failure to provide a class C certified operator [30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a)]. b. Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities [30 TEX. ADMIN. CODE § 290.46(m)]. c. Failure to provide the 0.068 MG ground storage tank at Paradise Acres with a properly designed overflow pipe which is equipped with a hinged flap valve [30 TEX. ADMIN. CODE § 290.43(c)(3)]. d. Failure to provide a service pump capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER		
19. Pine Shadows Water System, PWS No. 1870025, RN101199776		
a. Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities [30 TEX. ADMIN. CODE § 290.46(m)].		
b. Failure to properly locate the inlet and outlet connections on ground storage tank so as to prevent short circuiting or stagnation of water [30 TEX. ADMIN. CODE § 290.43(c)(5)].		
c. Failure to provide two or more service pumps that have a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		
d. Failure to provide a pressure tank capacity of 20 gallons per connection at the Indian Hill Estates booster station [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		
e. Failure to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area when the system has reached 85% of its capacity [30 TEX. ADMIN. CODE § 291.93(3)].		
20. Point Lookout Estates, PWS No. 2040017, RN101264596		
a. Failure to provide a class C certified operator [30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER b. Failure to collect all routine bacteriological samples at active service connections which are representative of water throughout the distribution system [30 TEX. ADMIN. CODE § 290.109(c)(1)(A)]. c. Failure to consistently conduct chlorine residual tests once every seven days throughout the distribution system [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)]. d. Failure to provide the ground storage tank with a properly designed overflow pipe which is equipped with a hinged flap valve [30 TEX. ADMIN. CODE § 290.43(c)(3)]. e. Failure to properly complete the tank inspections for the 0.024 MG ground storage tank and the 0.001 MG and 0.003 MG pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)]. f. Failure to provide a well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. g. Failure to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area when the system has reached 85% of its capacity [30 TEX. ADMIN. CODE § 291.93(3)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER		
21. Riverview Terrace Water System, PWS No. 2040056, RN101243103		
a. Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities [30 TEX. ADMIN. CODE § 290.46(m)].		
b. Failure to provide a well capacity of 1.5 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		
22. Weavers Cove Water System, PWS No. 1870012, RN101280790		
a. Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		
b. Failure to provide two or more service pumps that have a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		
c. Failure to provide a pressure tank capacity of 50 gallons per connection [30 TEX. ADMIN. CODE §290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		
23. Wiggins Village #2, PWS No. 1870046, RN101454106		
a. Failure to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
WATER b. Failure to provide an 18" well casing on wells 1 and 3 [30 TEX. ADMIN. CODE § 290.41(c)(3)(B)]. c. Failure to provide a proper concrete sealing block for well 1 [30 TEX. ADMIN. CODE § 290.41(c)(3)(J) and Order, Docket No. 31328-S]. 24. Wild Bird Country Water System, PWS No. 2040056, RN101285484 a. Failure to provide a well capacity of 1.5 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. b. Failure to provide a pressure tank capacity of 50 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. c. Failure to provide intruder-resistant fences to exclude possible contamination or damage to the facilities by trespassers [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)] 25. Wilson Lake Estates Water Supply, PWS No. 1870051, RN101263226 a. Failure to maintain records of annual pressure tank inspections [30 TEX. ADMIN. CODE § 290.46(f)(2)]. b. Failure to provide a service pump capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		

TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	Screening	10-Apr-2003	Priority Due	8-Aug-2003	EPA Due	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Bass Bay/Indian Hills#1)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101181378; Public Water Supply ID 1870019
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	No. Violations	1
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Audra L. Ruble	EC's Team	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	Minimum $50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — *Subtotal 1* $100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement — *Subtotals 2, 3 & 7* $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement — *Subtotal 4* $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction — *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

Notes: The Respondent is not yet in compliance. +

Economic Benefit 0% Enhancement* — *Subtotal 6* $0

$2,165	Total EB Amounts
$10,000	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 — Final Subtotal $100 +

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes: =

Final Penalty Amount $100

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty $100 -

DEFERRAL Deferral 20% Reduction — *Adjustment* $20

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY $80

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Bass Bay/Indian Hills#1) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101181378; Public Water Supply ID 1870019
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address South of Highway 190, off Farm-to-Market 2459, near Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Bass Bay/Indian Hil
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101181378; Public Water Supply ID 1870019
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(A)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a well capacity of 1.5 gallons per minute ("gpm") per connection. The respondent is currently providing a total well capacity of 52 gpm with the required being 55.5 gpm, indicating a 6% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential			x

Percent 10%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on the date of investigation (November 29, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $2,165 ***Violation Final Penalty total*** $100

This Violation Final Assessed Penalty (adjusted for limits) $100

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Bass Bay/Indian Hills#1)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	29-Nov-2001	1-Jan-2005	3.1	$103	$2,062	$2,165
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 cost for engineering and construction of a new well.						
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/equip				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							

Approx Cost of Compliance $10,000

TOTAL $2,165

Compliance History (for penalty calculation purposes only)

Customer/Respondent/Owner-Operator: Classification: Lake Livingston Water Supply & Sewer Service Corporation
CN600623029 Rating: 0.000
BASS BAY INDIAN HILL NO 1 Classification: Site Rating: 0.00 Regulated Entity: RN101181378
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870019
WATER LICENSING LICENSE
ID Number(s): 1870019
Location: south of Hwy 190, off FM 2459, Polk County
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 02, 2004
Enforcement Agency Decision Requiring Compliance History:
April 01, 1999 to April 01, 2004 Compliance Period:
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Phone: Audra Ruble 361-825-3126

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.
N/A
B. Any criminal convictions of the state of Texas and the federal government.
N/A
C. Chronic excessive emissions events.
N/A
D. The dates of investigations.
11/29/2001
E. Written notices of violations (NOV).
N/A
F. Environmental audits.
N/A
G. Type of environmental management systems (EMSs).
N/A
H. Voluntary on-site compliance assessment dates.
N/A
I. Participation in a voluntary pollution reduction program.
N/A
J. Early compliance.
N/A
Sites Outside of Texas
N/A

TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Oct-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Village)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101192516; Public Water Supply ID 1870141
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	3
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $1,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

+

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$1,418	Total EB Amounts
$5,600	Approx. Cost of Compliance

**Capped at the Total EB $ Amount*

=

SUM OF SUBTOTALS 1-7 **Final Subtotal** $1,750

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $1,750

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $1,750

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $350

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$1,400**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Village) licy Revision 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101192516; Public Water Supply ID 1870141
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Located off of Highway 190, approximately 2.5 miles east of Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Villag
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101192516; Public Water Supply ID 1870141
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.43(c)(5)
Secondary Cite(s)
Violation Description Failure to properly locate the inlet and outlet connections so as to prevent short circuiting or stagnation of water within the ground storage tank.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to locate the inlet and outlet connections to the ground storage tank could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (November 28, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $64 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Village)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$500	28-Nov-2001	24-Sep-2003	1.8	$3	$61	$64
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 cost to relocate the connections of the ground storage tank.

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/equip				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:

Approx Cost of Compliance: $500

TOTAL $64

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Villag
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101192516; Public Water Supply ID 1870141
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.46(f)(2)
Secondary Cite(s)
Violation Description Failure to maintain records of annual pressure tank inspections. Specifically, during the investigation the tank inspection records for the 0.005 MG pressure tank were not available for review.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential			

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR	x		

Percent 25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$250**

Events Notes One single event is recommended based on date of investigation (November 28, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $9

Violation Final Penalty total $250

This Violation Final Assessed Penalty (adjusted for limits) $250

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Village)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$100	28-Nov-2001	24-Sep-2003	1.8	$9	n/a	$9
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: Approximate cost to maintain records of annual pressure tank inspections.

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/equip				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:

Approx Cost of Compliance: $100

TOTAL: $9

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Villag
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101192516; Public Water Supply ID 1870141
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a total storage capacity of 200 gallons per connection. The respondent is required to have 23,200 gallons of total storage capacity and currently has 19,000, indicating an 18.1% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 25%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty $750

Events Notes Three semiannual events are recommended from investigation (November 28, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $1,345 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Village)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	28-Nov-2001	1-Oct-2005	3.8	$64	$1,281	$1,345
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 cost to provide adequate storage capacity.

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/equip				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:

Approx Cost of Compliance: $5,000

TOTAL: $1,345

TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	Screening	10-Apr-2003	Priority Due	8-Aug-2003	EPA Due	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Village)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101192516; Public Water Supply ID 1870141; CCN 10147
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	No. Violations	1
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Audra L. Ruble	EC's Team	Enforcement Team 6
Media Program(s)	Public Water Utilities		
Admin. Penalty $ Limit	Minimum $0	Maximum	$500

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — *Subtotal 1* $125

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 0% Enhancement — *Subtotals 2, 3 & 7* $0 +

Notes: No enhancement recommended due to compliance history. +

Culpability — 0% Enhancement — *Subtotal 4* $0

No — *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	X	*(mark with small x)*

Notes: The Respondent is not yet in compliance. +

Economic Benefit — 0% Enhancement* — *Subtotal 6* $0

$232	Total EB Amounts
$1,500	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 — Final Subtotal $125 +

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes: =

Final Penalty Amount $125

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty $125 -

DEFERRAL — Deferral 20% Reduction — *Adjustment* $25

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY $100

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Village) **licy Revision 2 (09/02)**
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101192516; Public Water Supply ID 1870141; CCN 10147
Media [Statute] Public Water Utilities
Enf. Coordinator Audra L. Ruble
Site Address Located off of Highway 190, approximately 2.5 miles east of Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Villa
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101192516; Public Water Supply ID 1870141; CCN
Media [Statute] Public Water Utilities
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 291.93(3)
Secondary Cite(s)
Violation Description Failure to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area when the system has reached 85% of its capacity. The system is currently at 85% of its well production capacity.

Base Penalty $500

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential			

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR	x		

Percent 25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -$375

Base Penalty Subtotal $125

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$125**

Events Notes One single event is recommended based on the date of investigation (November 28, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $232 ***Violation Final Penalty total*** $125

This Violation Final Assessed Penalty (adjusted for limits) **$125**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Beech Creek Village)
ID Number(s) 343
Media [Statute] Public Water Utilities
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,500	28-Nov-2001	1-Jan-2005	3.1	$232	n/a	$232

Notes for DELAYED costs: Approximate cost to prepare a report that addresses capacity issues.

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/equip				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:

Approx Cost of Compliance $1,500

TOTAL $232

Compliance History
(for penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation

Classification: Rating: 0.000
Operator:
Regulated Entity: RN101192516 BEECH CREEK VILLAGE LL

Classification: Site Rating: 0.00

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION ID Number(s): 1870141

WATER LICENSING 1870141

Location: off of US 190, approx 2.5 miles east of Livingston, Polk County

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 02, 2004

Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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. N/A

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

C. Chronic excessive emissions events. N/A

D. The dates of investigations.
1 11/28/2001

E. Written notices of violations (NOV). N/A

F. Environmental audits. N/A

G. Type of environmental management systems (EMSs). N/A

H. Voluntary on-site compliance assessment dates. N/A

I. Participation in a voluntary pollution reduction program. N/A

J. Early compliance. N/A

Sites Outside of Texas
N/A

TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	Screening	10-Apr-2003	Priority Due	8-Aug-2003	EPA Due	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Big Thicket Retreat)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101186112; Public Water Supply ID 1000053
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	No. Violations	3
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Audra L. Ruble	EC's Team	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	Minimum $50	Maximum $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — *Subtotal 1* $1,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement — *Subtotals 2, 3 & 7* $0

Notes: No enhancement is recommended due to compliance history. +

Culpability 0% Enhancement — *Subtotal 4* $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction — *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

Notes: The Respondent is not yet in compliance. +

Economic Benefit 0% Enhancement* — *Subtotal 6* $0

$2,097	Total EB Amounts
$10,100	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 — Final Subtotal $1,600 +

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes: =

Final Penalty Amount $1,600

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty $1,600 -

DEFERRAL — Deferral 20% Reduction — *Adjustment* $320

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$1,280**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Big Thicket Retreat) licy Revision 2 (09/02)
Case ID No. 343 PCW Revision 2/10/2004
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101186112; Public Water Supply ID 1000053
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Off of Highway 787, right on County Road 2137, near Livingston, Hardin County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement is recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Big Thicket Retreat)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101186112; Public Water Supply ID 1000053
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code §290.109(c)(1)(A)
Secondary Cite(s)
Violation Description Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system. At the time of the investigation, the bacteriological samples were only collected from locations not listed on the sample site map.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential			x

Percent 10%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes The failure to sample at the approved locations may result in undetected contaminated water being delivered to the public.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on the date of investigation (January 8, 2002).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $8

Violation Final Penalty total $100

This Violation Final Assessed Penalty (adjusted for limits) $100

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Big Thicket Retreat)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	28-Jan-2002	24-Sep-2003	1.7	$8	n/a	$8
Notes for DELAYED costs	Estimated cost to sample at the approved locations.						
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/equip				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							

Approx Cost of Compliance $100

TOTAL $8

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Big Thicket Retreat)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101186112; Public Water Supply ID 1000053
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(A)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a well capacity of 1.5 gallons per minute ("gpm") per connection. The respondent is required to provide 46 gpm and currently provides 39 gpm, indicating a 15.2% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from investigation (January 8, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $2,088 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Big Thicket Retreat)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	8-Jan-2002	1-Jan-2005	3.0	$99	$1,989	$2,088
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 cost to provide adequate well and pressure tank capacities.

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/equip				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:

Approx Cost of Compliance: $10,000

TOTAL $2,088

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Big Thicket Retreat)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101186112; Public Water Supply ID 1000053
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a pressure tank capacity of 50 gallons per connection. The respondent is required to provide 1550 gallons and is currently providing 1000 gallons, indicating a 35.5% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from investigation (January 8, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Big Thicket Retreat)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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	Economic benefit addressed under violation 2.						
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/equip				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							

Approx Cost of Compliance $0

TOTAL $0

Compliance History
(for penalty calculation purposes only)

Customer/Respondent/Owner-Operator:	CN600623029	Lake Livingston Water Supply & Sewer Service Corporation	
Classification:	Rating: 0.000		
Regulated Entity:	RN101186112	BIG THICKET RETREAT WATER SYSTEM	Classification: Site Rating: 0.00
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1000053		

Location: PO BOX 1149, LIVINGSTON, TX, 77351 ,OFF OF HWY 787; RIGHT ON CR 2137, Hardin County

TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 02, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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?	
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.
N/A

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

N/A

C.Chronic excessive emissions events.

D.The dates of investigations.
1/8/02

E.Written notices of violations (NOV).
F.Environmental audits.
G.Type of environmental management systems (EMSs).

H.Voluntary on-site compliance assessment dates.

I.Participation in a voluntary pollution reduction program.

N/A

J.Early compliance.

Sites Outside of Texas
N/A

TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Country Sunrise)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101283323; Public Water Supply ID 1870136
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	3
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $3,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0%** Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement is recommended due to compliance history. +

Culpability **0%** Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply **0%** Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

+

Notes: The Respondent has not yet achieved compliance.

Economic Benefit **0%** Enhancement* ***Subtotal 6*** $0

$2,091	Total EB Amounts
$10,100	Approx. Cost of Compliance

**Capped at the Total EB $ Amount*

=

SUM OF SUBTOTALS 1-7 **Final Subtotal** $3,500

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $3,500

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **$3,500**

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $700

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$2,800**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Country Sunrise) licy Revision 2 (09/02)
Case ID No. 343 PCW Revision 2/10/2004
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101283323; Public Water Supply ID 1870136
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Approximately 7 miles south of Livingston off Farm-to-Market Road 1988, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) 0%

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** 0%

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** 0%

Compliance History Summary

Compliance History Notes No enhancement is recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 0%

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Country Sunrise)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101283323; Public Water Supply ID 1870136
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code §290.109(c)(1)(A)
Secondary Cite(s)
Violation Description Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system. At the time of the investigation, it was noted that sample site 106 which is listed on the sample site plan was not used at all in the last year. As a result, one half of the distribution is not represented in the bacteriological sampling conducted over the course of the year.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes The failure to sample at the approved locations may result in undetected contaminated water being delivered to the public.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty **$500**

Events Notes One quarterly event is recommended based on investigation (January 7, 2002) to compliance date (March 1, 2002).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $1

Violation Final Penalty total $500

This Violation Final Assessed Penalty (adjusted for limits) **$500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Country Sunrise)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	7-Jan-2002	1-Mar-2002	0.1	$1	n/a	$1
Notes for DELAYED costs	Estimated cost to sample at the approved locations.						
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/equip				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							

Approx Cost of Compliance $100

TOTAL $1

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Country Sunrise)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101283323; Public Water Supply ID 1870136
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and (iii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a total storage capacity of 200 gallons per connection. The respondent is 100% deficient for this requirement.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential	x		

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended based on investigation (January 7, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $2,090 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) **$1,500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Country Sunrise)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	7-Jan-2002	1-Jan-2005	3.0	$100	$1,991	$2,090
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 cost to provide adequate capacity for the system.

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/equip				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:

Approx Cost of Compliance: $10,000

TOTAL $2,090

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Country Sunrise)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101283323; Public Water Supply ID 1870136
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a service pump capacity of 2.0 gallons per minute ("gpm") per connection. The respondent is 100% deficient for this requirement.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended based on investigation (January 7, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $1,500

This Violation Final Assessed Penalty (adjusted for limits) $1,500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Country Sunrise)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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	Economic benefit addressed under violation 2.						
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/equip				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							

Approx Cost of Compliance $0

TOTAL $0

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner-Operator: CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000

Regulated Entity: RN101283323 COUNTRY SUNRISE WATER SYSTEM LL
Classification: Site Rating: 0.00

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870136

Location: Approx. 7 M S of Livingston, off FM 1988, Polk Co. TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 02, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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?
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.
N/A

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

C.Chronic excessive emissions events. n/a

D.The dates of investigations.
1/7/02

E.Written notices of violations (NOV).
n/a

F.Environmental audits.
n/a

G.Type of environmental management systems (EMSs).
n/a

H.Voluntary on-site compliance assessment dates.
n/a

I.Participation in a voluntary pollution reduction program.
N/A

J.Early compliance.
n/a

Sites Outside of Texas
N/A

TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	Screening	10-Apr-2003	Priority Due	8-Aug-2003	EPA Due	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Crystal Lakes)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101202109; Public Water Supply ID 1870044
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	No. Violations	3
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Audra L. Ruble	EC's Team	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	Minimum $50	Maximum $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — *Subtotal 1* $200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement — *Subtotals 2, 3 & 7* $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement — *Subtotal 4* $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction — *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	X	*(mark with small x)*

Notes: The Respondent has not yet achieved compliance. +

Economic Benefit 0% Enhancement* — *Subtotal 6* $0

$2,176	Total EB Amounts
$10,100	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 — Final Subtotal $200

+

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes: =

Final Penalty Amount $200

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty $200

-

DEFERRAL Deferral 20% Reduction — *Adjustment* $40

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY $160

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Crystal Lakes) licy Revision 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101202109; Public Water Supply ID 1870044
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Off of Highway 190, four miles east of Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Crystal Lakes)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101202109; Public Water Supply ID 1870044
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code §290.109(c)(1)(A)
Secondary Cite(s)
Violation Description Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system. At the time of the investigation, the bacteriological samples were only collected from two locations on the sample site map.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
OR Actual			
Potential			x

Percent 10%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes The failure to sample at the approved locations may result in undetected contaminated water being delivered to the public.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on the date of investigation (November 28, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $9 ***Violation Final Penalty total*** $100

This Violation Final Assessed Penalty (adjusted for limits) **$100**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Crystal Lakes)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	28-Nov-2001	24-Sep-2003	1.8	$9	n/a	$9
Notes for DELAYED costs	Estimated cost to sample at the approved locations.						
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/equip				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							

Approx Cost of Compliance $100

TOTAL $9

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Crystal Lakes)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101202109; Public Water Supply ID 1870044
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code §290.108(b)(1)
Secondary Cite(s)
Violation Description Failure to meet the maximum contaminant levels ("MCL") for gross alpha particle activity of 15 pCi/L and combined radium 226 and radium 228 of 5 pCi/L. During a March 29, 2001 sampling event, it was noted that the reading for gross alpha particle activity was 41.2 pCi/l. Additional sampling was conducted in 2003 which showed a gross alpha particle activity value of 35 pCi/L and a combined radium 226 and radium 228 value of 8 pCi/L.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes There is no penalty calculated for this violation because these are naturally occurring contaminants in the water.

Adjustment -$1,000

Base Penalty Subtotal $0

Violation Events

Number of Violation Events

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty **$0**

Events Notes

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $0

This Violation Final Assessed Penalty (adjusted for limits) $0

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Crystal Lakes)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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	No economic benefit is 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				0.0	$0	$0	$0
Supplies/equip				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							

Approx Cost of Compliance $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Crystal Lakes)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101202109; Public Water Supply ID 1870044
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code §290.45(b)(1)(C)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. The respondent is required to provide 56.4 gpm and currently provides 55 gpm, indicating a 2.5% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
OR Actual			
Potential			x

Percent 10%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on the date of investigation (November 28, 2001).

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $2,167

Violation Final Penalty total $100

This Violation Final Assessed Penalty (adjusted for limits) $100

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Crystal Lakes)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	28-Nov-2001	1-Jan-2005	3.1	$103	$2,064	$2,167
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 cost to provide adequate well capacity.						
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/equip				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							

Approx Cost of Compliance $10,000

TOTAL $2,167

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner-Service Corporation CN600623029 Lake Livingston Water Supply & Sewer
Classification: Rating: 0.000
Regulated Entity: RN101202109 CRYSTAL LAKE ESTATES WATER SYSTEM
Classification: Site Rating: 0.00
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION ID Number(s): 1870044
Location: OFF US 190, FOUR MILES EAST OF LIVINGSTON, Polk County
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 11/28/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Oct-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 1-2-3)		
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101190536; Public Water Supply ID 2040006		
Facility/Site Region	10 - Beaumont	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	6
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $3,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 10% Reduction ***Subtotal 5*** -$360

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
None of the above		*(mark with small x)*

Notes: Investigation conducted on January 2, 2004 documented that the Respondent has returned to compliance. +

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$4,386	Total EB Amounts
$32,000	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 **Final Subtotal** $3,240

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $3,240

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $3,240

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $648

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$2,592**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 1-2-3) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101190536; Public Water Supply ID 2040006
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble

Site Address On Farm-to-Market Road 224, approximately nine miles north of Coldspring, San Jacinto County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No.
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101190536; Public Water Supply ID 2040006
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.110(c)(5)(B)
Secondary Cite(s) 30 Tex. Admin. Code § 290.46(f)(3)(A)(ii)
Violation Description Failure to consistently conduct daily chlorine residual tests throughout the distribution system. Failure to properly maintain a record of operations. Specifically, the monthly operating reports must include the amount of water treated and pumped each day.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential	x		

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty $500

Events Notes One semiannual event is recommended based on investigation (December 20, 2001) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $10 ***Violation Final Penalty total*** $450

This Violation Final Assessed Penalty (adjusted for limits) $450

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 1-2-3)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$1,000	20-Dec-2001	1-Mar-2002	0.2	$10	n/a	$10
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 cost to conduct proper sampling and maintain records.						
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/equip				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							

Approx Cost of Compliance $1,000

TOTAL $10

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No.
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101190536; Public Water Supply ID 2040006
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.46(m) and Order, Docket No. 31328-S
Secondary Cite(s)
Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. During the investigation, it was noted that the ground storage tanks at Wells #1 and 3, and the pressure tank at Well #3 were exhibiting signs of severe corrosion. It was also noted that there was an opening in the roof of the ground storage tank at Well #1 and the outlet for the water level indicator on the ground storage tank at Well #3 was not properly sealed.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty **$500**

Events Notes One monthly event is recommended from the Order extension deadline (March 31, 2003) to screening (April 10, 2003).

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $2,850

Violation Final Penalty total $450

This Violation Final Assessed Penalty (adjusted for limits) $450

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 1-2-3)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$20,000	20-Dec-2001	2-Jan-2004	2.0	$136	$2,714	$2,850
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 cost to replace the ground storage tanks and pressure tank.						
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/equip				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							

Approx Cost of Compliance $20,000

TOTAL $2,850

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No.
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101190536; Public Water Supply ID 2040006
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)]
Secondary Cite(s) Tex. Health & Safety Code § 341.033(a)
Violation Description Failure to provide a class C certified operator.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes By failing to operate the public water supply system under the full-time supervision of a properly certified water works operator, the Respondent has allowed conditions which could expose human health to pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended based on investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation | Statutory Limit Test

Estimated EB Amount ($) $102

Violation Final Penalty total $1,350

This Violation Final Assessed Penalty (adjusted for limits) **$1,350**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 1-2-3)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	20-Dec-2001	2-Jan-2004	2.0	$102	n/a	$102

Notes for DELAYED costs: Estimated cost to employ an operator with at least a Grade "C" certificate.

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/equip				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:

Approx Cost of Compliance: $1,000

TOTAL $102

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No.
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101190536; Public Water Supply ID 2040006
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 4
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. The respondent is required to provide 151 gpm and currently provides 116 gpm, indicating a 23.2% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 25%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended based on investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $1,425 ***Violation Final Penalty total*** $675

This Violation Final Assessed Penalty (adjusted for limits) **$675**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 1-2-3)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	20-Dec-2001	2-Jan-2004	2.0	$68	$1,357	$1,425
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 cost to provide adequate well and storage capacities.						
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/equip				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							

Approx Cost of Compliance $10,000

TOTAL $1,425

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No.
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101190536; Public Water Supply ID 2040006
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 5
Primary Rule Cite 30 Tex. Admin. Code §§ 290.43(c)(2) and (4)
Secondary Cite(s) Order, Docket No. 31328-S
Violation Description Failure to provide each of the ground storage tanks at wells 1 and 3 with a properly designed roof access opening, with a minimum diameter of 24 inches. Failure to equip the ground storage tank at well 1 with a water level indicator located at the tank site.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $250

Events Notes One quarterly event is recommended from the Order extension deadline (March 31, 2003) to screening (April 10, 2003).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $225

This Violation Final Assessed Penalty (adjusted for limits) $225

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 1-2-3)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit for this violation is addressed under violation 2.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No.
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101190536; Public Water Supply ID 2040006
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 6
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a total storage capacity of 200 gallons per connection. The respondent is required to provide 50,400 gallons of total storage capacity and currently provides 48,000 gallons, indicating a 5% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on the investigation (December 20, 2001).

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $90

This Violation Final Assessed Penalty (adjusted for limits) $90

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 1-2-3)

ID Number(s) 343

Media [Statute] Public Water Supply

Violation Number 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit addressed under violation 4.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL $0

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner-Service Corporation CN600623029 Lake Livingston Water Supply & Sewer
Classification: Rating: 0.000
Regulated Entity: RN101190536 HOLIDAY SHORES NOS 1 2 3 LL
Classification: Site Rating: 0.00
PUBLIC WATER SYSTEM/SUPPLY ID Number(s): 2040006
Location: FM 224, 9 miles N of Coldspring, San Jacinto Co., Tx, 77351
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A
B. Any criminal convictions of the state of Texas and the federal government.
N/A
C. Chronic excessive emissions events.
N/A
D. The dates of investigations.
1 03/03/2004
2 12/20/2001
E. Written notices of violations (NOV).
N/A
F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Oct-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 4)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101188878; Public Water Supply ID 2040011
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	3
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum**	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $3,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

+

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$1,409	Total EB Amounts
$12,000	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 **Final Subtotal** $3,500

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $3,500

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $3,500

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $700

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$2,800**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 4) licy Revision 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101188878; Public Water Supply ID 2040011
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble

Site Address Off of Farm-to-Market Road 156, approximately 6 miles east of Coldspring, San Jacinto County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No.
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101188878; Public Water Supply ID 2040011
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.46(u)
Secondary Cite(s)
Violation Description Failure to plug abandoned well #1.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR **Percent**

Matrix Notes Failure to plug the abandoned well could expose human health or the environment to significant amounts of pollutants which would exceed levels that are protective of human health or the environment.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended based on investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $88 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) $1,500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 4)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	20-Dec-2001	24-Sep-2003	1.8	$88	n/a	$88

Notes for DELAYED costs: Estimated cost to plug the out-of-service well.

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/equip				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:

Approx Cost of Compliance: $1,000

TOTAL $88

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No.

Case ID No. 343

Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101188878; Public Water Supply ID 2040011

Media [Statute] Public Water Supply

Enf. Coordinator Audra L. Ruble

Violation Number 2

Primary Rule Cite 30 Tex. Admin. Code § 290.46(m) and Order, Docket No. 31328-S

Secondary Cite(s)

Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. During the investigation, it was noted that the pressure tank was severly corroded.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $500

Events Notes One monthly event is recommended from the Order extension deadline (March 31, 2003) to screening (April 10, 2003).

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $1,233

Violation Final Penalty total $500

This Violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 4)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	20-Dec-2001	24-Sep-2003	1.8	$59	$1,174	$1,233
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 cost to replace the pressure tank.

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/equip				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:

Approx Cost of Compliance: $10,000

TOTAL $1,233

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No.
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101188878; Public Water Supply ID 2040011
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)]
Secondary Cite(s) Tex. Health & Safety Code § 341.033(a)
Violation Description Failure to provide a class C certified operator.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes By failing to operate the public water supply system under the full-time supervision of a properly certified water works operator, the Respondent has allowed conditions which could expose human health to pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended based on investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $88 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) **$1,500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Holiday Shores No. 4)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	20-Dec-2001	24-Sep-2003	1.8	$88	n/a	$88

Notes for DELAYED costs: Estimated cost to employ an operator with at least a Grade "C" certificate.

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/equip				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:

Approx Cost of Compliance: $1,000

TOTAL $88

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101188878 HOLIDAY SHORES 4 LL
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2040011
Location: FM 156, 6 miles E of Coldspring, San Jacinto Co.
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 12/20/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Oct-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101239333; Public Water Supply ID 1870094
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	6
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum**	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — ***Subtotal 1*** $3,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

+

Compliance History — **0%** Enhancement — ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history.

+

Culpability — **0%** Enhancement — ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria.

+

Good Faith Effort to Comply — **0%** Reduction — ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	X	*(mark with small x)*

+

Notes: The Respondent is not yet in compliance.

Economic Benefit — **0%** Enhancement* — ***Subtotal 6*** $0

$1,791	Total EB Amounts
$21,100	Approx. Cost of Compliance

**Capped at the Total EB $ Amount*

=

SUM OF SUBTOTALS 1-7 — **Final Subtotal** $3,750

+

OTHER FACTORS AS JUSTICE MAY REQUIRE — ***Adjustment*** $0

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

Notes:

=

Final Penalty Amount $3,750

STATUTORY LIMIT ADJUSTMENT — **Final Assessed Penalty** $3,750

-

DEFERRAL — Deferral 20% Reduction — ***Adjustment*** $750

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years.

=

PAYABLE PENALTY — **$3,000**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods) licy Revision 2 (09/02)
Case ID No. 343 PCW Revision 2/10/2004
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101239333; Public Water Supply ID 1870094
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Off Highway 190 on Gazalle Road, northwest of Onalaska, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101239333; Public Water Supply ID 1870094
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)]
Secondary Cite(s) Tex. Health & Safety Code § 341.033(a)
Violation Description Failure to provide a class C certified operator.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes By failing to operate the public water supply system under the full-time supervision of a properly certified water works operator, the Respondent has allowed conditions which could expose human health to pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended based on investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $90

Violation Final Penalty total $1,500

This Violation Final Assessed Penalty (adjusted for limits) **$1,500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	6-Dec-2001	24-Sep-2003	1.8	$90	n/a	$90

Notes for DELAYED costs: Estimated cost to employ an operator with at least a Grade "C" certificate.

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/equip				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:

Approx Cost of Compliance: $1,000

TOTAL $90

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101239333; Public Water Supply ID 1870094
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.110(c)(5)(A)
Secondary Cite(s)
Violation Description Failure to adhere to the facility's site sampling plan. Specifically, the Respondent failed to rotate daily chlorine residual tests.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$500**

Events Notes One semiannual event is recommended based on investigation (December 6, 2001) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $1

Violation Final Penalty total $500

This Violation Final Assessed Penalty (adjusted for limits) **$500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	6-Dec-2001	1-Mar-2002	0.2	$1	n/a	$1

Notes for DELAYED costs: Estimated cost to conduct sampling correctly.

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/equip				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:

Approx Cost of Compliance: $100

TOTAL: $1

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101239333; Public Water Supply ID 1870094
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.46(m)
Secondary Cite(s)
Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. At the time of the investigation, signs of severe corrosion were noted on the ground storage tanks.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$500**

Events Notes One semiannual event is recommended based on investigation (December 6, 2001) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation | Statutory Limit Test

Estimated EB Amount ($) $163

Violation Final Penalty total $500

This Violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	6-Dec-2001	1-Mar-2002	0.2	$8	$155	$163
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 cost to replace the ground storage tank.						
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/equip				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							

Approx Cost of Compliance $10,000

TOTAL $163

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101239333; Public Water Supply ID 1870094
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 4
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(i) and Order, Docket No. 31328-S
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection. The respondent is required to provide 168.6 gpm and was only providing 108 gpm, indicating a 36% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty **$250**

Events Notes One quarterly event is recommended from the Order extension deadline (March 31, 2003) to screening (April 10, 2003).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $1,537 ***Violation Final Penalty total*** $250

This Violation Final Assessed Penalty (adjusted for limits) **$250**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$10,000	6-Dec-2001	1-Jan-2005	3.1	$1,537	n/a	$1,537

Notes for DELAYED costs: Estimated cost to provide adequate well and storage capacities.

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/equip				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:

Approx Cost of Compliance: $10,000

TOTAL $1,537

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101239333; Public Water Supply ID 1870094
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 5
Primary Rule Cite 30 Tex. Admin. Code § 290.43(d)(3)
Secondary Cite(s)
Violation Description Failure to equip the pressure tank with a site glass.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential		x	

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$250**

Events Notes One semiannual event is recommended based on investigation (December 6, 2001) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $250

This Violation Final Assessed Penalty (adjusted for limits) **$250**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit addressed under violation 3.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101239333; Public Water Supply ID 1870094
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 6
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a total rated service pump capacity of 2.0 gpm per connection. The respondent is required to provide 562 gpm and was only providing 300 gpm, indicating a 46.6% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended based on investigation (December 6, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation | Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Impala Woods)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit addressed under violation 4.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL $0

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101239333 IMPALA WOODS WATER CO
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870094
Location: Off HW 190, Gazalle Rd., northwest of Onalaska, Polk Co.
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 12/06/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Oct-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101253136; Public Water Supply ID 1870020
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	5
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $3,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	X	*(mark with small x)*

Notes: The Respondent is not yet in compliance. +

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$4,143	Total EB Amounts
$16,100	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 **Final Subtotal** $3,100 +

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $3,100

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $3,100 -

DEFERRAL Deferral 20% Reduction ***Adjustment*** $620

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$2,480**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2) licy Revision 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101253136; Public Water Supply ID 1870020
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Farm-to-Market Road 3126, five miles west of Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101253136; Public Water Supply ID 1870020
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Order, Docket No. 31328-S
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a service pump capacity of 2.0 gpm per connection. The respondent is required to provide 230 gpm and was only providing 220 gpm, indicating a 4.3% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on the Order extension deadline (March 31, 2003).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $100

This Violation Final Assessed Penalty (adjusted for limits) $100

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit is addressed under violation 2.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101253136; Public Water Supply ID 1870020
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection. The respondent is required to provide 160 gpm and was only providing 142 gpm, indicating a 11.2% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended based on investigation (January 3, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $4,022

Violation Final Penalty total $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$15,000	3-Jan-2002	1-Nov-2005	3.8	$192	$3,830	$4,022
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 cost to provide additional well, storage, and pump capacities.

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/equip				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:

Approx Cost of Compliance: $15,000

TOTAL $4,022

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101253136; Public Water Supply ID 1870020
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.109(c)(1)(A)
Secondary Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)(A)
Violation Description Failure to adhere to the facility's site sampling plan. Specifically, the Respondent failed to collect all routine bacteriological samples at active service connections which are representative of water throughout the distribution system. Failure to rotate samples sites for daily chlorine residual tests.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$500**

Events Notes One semiannual event is recommended based on investigation (January 3, 2002) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation | Statutory Limit Test

Estimated EB Amount ($) $1

Violation Final Penalty total $500

This Violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	3-Jan-2002	1-Mar-2002	0.2	$1	n/a	$1

Notes for DELAYED costs: Estimated cost to conduct sampling correctly.

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/equip				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:

Approx Cost of Compliance: $100

TOTAL: $1

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101253136; Public Water Supply ID 1870020
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 4
Primary Rule Cite 30 Tex. Admin. Code § 290.46(u)
Secondary Cite(s)
Violation Description Failure to plug well #2.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to plug the abandoned well could expose human health or the environment to significant amounts of pollutants which would exceed levels that are protective of human health or the environment.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty $1,500

Events Notes Three semiannual events are recommended based on investigation (January 3, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation | Statutory Limit Test

Estimated EB Amount ($) $121

Violation Final Penalty total $1,500

This Violation Final Assessed Penalty (adjusted for limits) $1,500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$1,000	3-Jan-2002	24-Sep-2003	1.7	$6	$115	$121
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 cost to plug the well.						
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/equip				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							

Approx Cost of Compliance $1,000

TOTAL $121

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101253136; Public Water Supply ID 1870020
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 5
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(ii) and Order, Docket No. 31328-S
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a total storage capacity of 200 gallons per connection. The respondent is required to provide 53,400 gallons and was only providing 45,600 gallons, indicating a 14.6% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential		x	

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty **$250**

Events Notes One quarterly event is recommended from the Order extension deadline (March 31, 2003) to screening (April 10, 2003).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $250

This Violation Final Assessed Penalty (adjusted for limits) $250

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Hills #2)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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	Economic benefit is addressed under violation 2.						

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/equip				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							

Approx Cost of Compliance $0

TOTAL $0

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101253136 INDIAN HILLS 2 WATER SYSTEM LL
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870020
Location: FM 1326, 5 miles W of Livingston
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 01/03/2002

. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Oct-2004	Screening	10-Apr-2003	Priority Due	8-Aug-2003	EPA Due	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Indian Springs Lake Estates)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101456952; Public Water Supply ID 1870040
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	No. Violations	3
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Audra L. Ruble	EC's Team	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	Minimum $50	Maximum $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — *Subtotal 1* $1,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

+

Compliance History — 0% Enhancement — *Subtotals 2, 3 & 7* $0

Notes: No enhancement recommended due to compliance history.

+

Culpability — 0% Enhancement — *Subtotal 4* $0

No — *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria.

+

Good Faith Effort to Comply — 10% Reduction — *Subtotal 5* -$125

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
None of the above		*(mark with small x)*

Notes: The Respondent submitted documentation in June 2003 demonstrating that compliance has been achieved.

+

Economic Benefit — 0% Enhancement* — *Subtotal 6* $0

$1,114	Total EB Amounts
$10,100	Approx. Cost of Compliance

**Capped at the Total EB $ Amount*

=

SUM OF SUBTOTALS 1-7 — **Final Subtotal** $1,125

+

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes:

=

Final Penalty Amount $1,125

STATUTORY LIMIT ADJUSTMENT — **Final Assessed Penalty** $1,125

-

DEFERRAL — Deferral 20% Reduction — *Adjustment* $225

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years.

=

PAYABLE PENALTY $900

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Springs Lake Estates) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101456952; Public Water Supply ID 1870040
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Off of Highway 190, 7.5 miles east of Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Springs Lake
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101456952; Public Water Supply ID 1870040
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.46(m) and Order, Docket No. 31328-S
Secondary Cite(s) 30 Tex. Admin. Code § 290.46(t)
Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. During the investigation, it was noted that the ground storage tanks and the pressure tank were exhibiting signs of severe corrosion. Failure to provide a legible ownership sign that is located in plain view of the public.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Human Health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty **$500**

Events Notes One monthly event is recommended from the Order extension deadline (March 31, 2003) to screening (April 10, 2003).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $1,112 ***Violation Final Penalty total*** $450

This Violation Final Assessed Penalty (adjusted for limits) $450

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Springs Lake Estates)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	28-Nov-2001	1-Jul-2003	1.6	$53	$1,059	$1,112
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 cost to replace the ground storage tank and pressure tank.

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/equip				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:

Approx Cost of Compliance $10,000

TOTAL $1,112

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Springs Lake
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101456952; Public Water Supply ID 1870040
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.110(c)(5)(A)
Secondary Cite(s)
Violation Description Failure to adhere to the facility's site sampling plan. Specifically, the Respondent failed to rotate sample sites for daily chlorine residual tests.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$500**

Events Notes One semiannual event is recommended from investigation (November 28, 2001) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $1

Violation Final Penalty total $450

This Violation Final Assessed Penalty (adjusted for limits) $450

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Springs Lake Estates)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	28-Nov-2001	1-Mar-2002	0.3	$1	n/a	$1
Notes for DELAYED costs	Estimated cost to conduct proper sampling and maintain records.						
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/equip				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							

Approx Cost of Compliance: $100

TOTAL $1

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Springs Lake
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101456952; Public Water Supply ID 1870040
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.46(f)(2)
Secondary Cite(s)
Violation Description Failure to maintain records of annual pressure tank inspections. Specifically, during the investigation the tank inspection records for the 0.006 MG pressure tank at the Ole Don Plant were not available for review.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential			

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

OR **Percent** 25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$250**

Events Notes One single event is recommended based on the date of investigation (November 28, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $225

This Violation Final Assessed Penalty (adjusted for limits) **$225**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Indian Springs Lake Estates)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit addressed under violation 2.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL: $0

Compliance History
(For penalty calculation purposes)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101456952 INDIAN SPRINGS LAKE ESTATE LL
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870040
Location: Off HW 190, 7.5 miles E of Livingston
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 11/28/2001
2 01/30/2004

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) *PCW Revision 2/10/2004*

DATES

PCW	1-Apr-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston Estates No. 2 & 3)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101454866; Public Water Supply ID 1870073
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	3
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum**	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $700

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0%** Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability **0%** Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply **0%** Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

+

Notes: The Respondent has not yet achieved compliance.

Economic Benefit **0%** Enhancement* ***Subtotal 6*** $0

$2,718	Total EB Amounts
$15,000	Approx. Cost of Compliance

**Capped at the Total EB $ Amount*

=

SUM OF SUBTOTALS 1-7 **Final Subtotal** $700

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $700

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **$700**

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $140

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$560**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston Estates No. 2 & 3 **n 2 (09/02)**

Case ID No. 343 **PCW Revision 2/10/2004**

Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101454866; Public Water Supply ID 1870073

Media [Statute] Public Water Supply

Enf. Coordinator Audra L. Ruble

Site Address One mile north of Lake Livingston dam on Farm-to-Market Road 1988, near Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E **PCW**

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston E evision 2 (09/02)

Case ID No. 343 **PCW Revision 2/10/2004**

Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101454866; Public Water Supply ID 1870073

Media [Statute] Public Water Supply

Enf. Coordinator Audra L. Ruble

Violation Number 1

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

Secondary Cite(s)

Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. During the investigation, it was noted that the sagging barb wire on the fence needed to be replaced, the base of the ground storage tank vent was corroded, and the ground storage tank roof hatch needed to be sealed to prevent the entry of insects and other contaminants.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$500**

Events Notes One semiannual event is recommended based on investigation (December 19, 2001) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $69 ***Violation Final Penalty total*** $500

This Violation Final Assessed Penalty (adjusted for limits) **$500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston Estates No. 2 & 3)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	19-Dec-2001	1-Mar-2002	0.2	$3	$66	$69
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 cost to correct maintenance deficiencies.						
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/equip				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							

Approx Cost of Compliance $5,000

TOTAL $69

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston E
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101454866; Public Water Supply ID 1870073
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. The respondent is required to provide 64.8 gpm and was only providing 60 gpm, indicating a 7.4% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on date of investigation (December 19, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $2,648 ***Violation Final Penalty total*** $100

This Violation Final Assessed Penalty (adjusted for limits) **$100**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston Estates No. 2 & 3)

ID Number(s) 343

Media [Statute] Public Water Supply

Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	19-Dec-2001	30-Sep-2005	3.8	$126	$2,522	$2,648
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 cost to provide adequate well and pump capacities.

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/equip				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:

Approx Cost of Compliance $10,000

TOTAL $2,648

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston E
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101454866; Public Water Supply ID 1870073
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide two or more service pumps having a total capacity of 2 gpm per connection. The respondent is required to provide 216 gpm and was only providing 195 gpm, indicating a 9.7% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential			x

Percent 10%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$900
Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on date of investigation (December 19, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $100

This Violation Final Assessed Penalty (adjusted for limits) **$100**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston Estates No. 2 & 3)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit is addressed under violation 2.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL: $0

Compliance History
(For penalty calculation purposes)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101454866 LAKE LIVINGSTON ESTATES 2 & 3
Classification: Site Rating: 0.00
ID Number(s):PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870073
Location: 1 mile N of Lake Livingston on FM 1988, Polk Co.
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 12/19/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Oct-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston Estates 4 & 5)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.103129342; Public Water Supply ID 1870027
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	3
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $1,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

+

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history.

+

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria.

+

Good Faith Effort to Comply 10% Reduction ***Subtotal 5*** -$175

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
None of the above		*(mark with small x)*

Notes: The Respondent submitted correspondence dated September 24, 2003 demonstrating that compliance has been achieved.

+

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

**Capped at the Total EB $ Amount*

$893	Total EB Amounts
$7,100	Approx. Cost of Compliance

=

SUM OF SUBTOTALS 1-7 **Final Subtotal** $1,575

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes:

=

Final Penalty Amount $1,575

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $1,575

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $315

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years.

=

PAYABLE PENALTY **$1,260**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston Estates 4 & 5) **on 2 (09/02)**
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.103129342; Public Water Supply ID 1870027
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Located off of 190 west, Farm-to-Market Road 3126 South, off of Lake Livingston Blvd, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston E evision 2 (09/02)
Case ID No. 343 PCW Revision 2/10/2004
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.103129342; Public Water Supply ID 1870027
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code §§ 290.46(m) and 290.43(c)(3), and Order, Docket No. 31328-S
Secondary Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(J)
Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. This includes repair of the roof hatch on the ground storage tank. Failure to equip the ground storage tank at Plant #2 with a proper hinged flap valve. During the investigation, it was noted that the hinged flap valve on the overflow of the 0.068 MG ground storage tank at Plant 2 would not open and close. Failure to repair the cracked concrete sealing block on well number one.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500
Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty **$500**

Events Notes One monthly event is recommended from the Order extension deadline (March 31, 2003) to screening (April 10, 2003).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $255 ***Violation Final Penalty total*** $450

This Violation Final Assessed Penalty (adjusted for limits) **$450**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston Estates 4 & 5)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$2,000	29-Nov-2001	24-Sep-2003	1.8	$12	$243	$255
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 cost to correct maintenance deficiencies.						
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/equip				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							

Approx Cost of Compliance $2,000

TOTAL $255

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston E
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.103129342; Public Water Supply ID 1870027
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. The respondent is required to provide 92 gpm and was only providing 53 gpm, indicating a 42.4% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 25%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended based on investigation (November 29, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $637 ***Violation Final Penalty total*** $675

This Violation Final Assessed Penalty (adjusted for limits) **$675**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston Estates 4 & 5)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	29-Nov-2001	24-Sep-2003	1.8	$30	$606	$637
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 cost to provide required well capacity.

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/equip				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:

Approx Cost of Compliance: $5,000

TOTAL: $637

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston E evision 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.103129342; Public Water Supply ID 1870027
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.110(c)(5)(A)
Secondary Cite(s)
Violation Description Failure to adhere to the facility's site sampling plan. Specifically, the Respondent failed to rotate sample sites for daily chlorine residual tests.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR **Percent**

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$500**

Events Notes One semiannual event is recommended based on investigation (November 29, 2001) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $1 ***Violation Final Penalty total*** $450

This Violation Final Assessed Penalty (adjusted for limits) **$450**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston Estates 4 & 5)

ID Number(s) 343

Media [Statute] Public Water Supply

Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	29-Nov-2001	1-Mar-2002	0.3	$1	n/a	$1
Notes for DELAYED costs	Estimated cost to conduct proper sampling.						
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/equip				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							

Approx Cost of Compliance $100

TOTAL $1

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN103129342 LAKE LIVINGSTON ESTATES 4 & 5
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870027
Location: Off HWY 190W, FM 3126 S, off Lake Livingston Blvd.
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 11/29/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment

dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (09/02) *PCW Revision 2/10/2004*

DATES

PCW	1-Oct-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Lake Run-A-Muck)		
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101269694; Public Water Supply ID 2040009		
Facility/Site Region	10 - Beaumont	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	2
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 10% Reduction ***Subtotal 5*** -$50

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
None of the above		*(mark with small x)*

+

Notes: Investigation conducted on January 2, 2004 documented that the Respondent has returned to compliance.

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$694	Total EB Amounts
$5,000	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 **Final Subtotal** $450

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $450

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $450

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $90

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$360**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Run-A-Muck) licy Revision 2 (09/02)
Case ID No. 343 PCW Revision 2/10/2004
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101269694; Public Water Supply ID 2040009
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Two miles east of Highway 59 on Farm-to-Market Road 223, near Shepherd, San Jacinto County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Run-A-Muck)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101269694; Public Water Supply ID 2040009
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Order, Docket No. 31328-S
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a total storage capacity of 200 gallons per connection. The respondent is required to provide 38,400 gallons of total storage capacity and was only providing 24,000 gallons, indicating a 37.5% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential		x	

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $250

Events Notes One quarterly event is recommended from the Order extension deadline (March 31, 2003) to screening (April 10, 2003).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $694 ***Violation Final Penalty total*** $225

This Violation Final Assessed Penalty (adjusted for limits) $225

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Run-A-Muck)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	8-Jan-2002	2-Jan-2004	2.0	$33	$661	$694
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 cost to provide adequate storage capacity.						
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/equip				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							

Approx Cost of Compliance $5,000

TOTAL $694

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Run-A-Muck)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101269694; Public Water Supply ID 2040009
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.43(c)(5)
Secondary Cite(s)
Violation Description Failure to properly locate the inlet and outlet connections so as to prevent short circuiting or stagnation of water within the ground storage tank.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to locate the inlet and outlet connections to the ground storage tank could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty **$250**

Events Notes One quarterly event is recommended from date of investigation (January 8, 2002) to compliance date (March 1, 2002).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $225

This Violation Final Assessed Penalty (adjusted for limits) **$225**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Run-A-Muck)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit is addressed under violation 1.

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/equip				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:

Approx Cost of Compliance $0

TOTAL $0

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101269694 LAKE RUN A MUCK
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2040009
Location: FM 223, LIVINGSTON, TX, 77351
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 03/03/2004
2 10/03/2000
3 01/08/2002

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Oct-2004	Screening	10-Apr-2003	Priority Due	8-Aug-2003	EPA Due	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Lake Tejas)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101272292; Public Water Supply ID 2040025
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	No. Violations	2
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Audra L. Ruble	EC's Team	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	Minimum $50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — *Subtotal 1* $1,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement — *Subtotals 2, 3 & 7* $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement — *Subtotal 4* $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction — *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	X	*(mark with small x)*

+

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* — *Subtotal 6* $0

$1,046	Total EB Amounts
$5,100	Approx. Cost of Compliance

**Capped at the Total EB $ Amount*

=

SUM OF SUBTOTALS 1-7 — **Final Subtotal** $1,250

+

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes: =

Final Penalty Amount $1,250

STATUTORY LIMIT ADJUSTMENT — **Final Assessed Penalty** $1,250

-

DEFERRAL Deferral 20% Reduction — *Adjustment* $250

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY $1,000

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Tejas) Policy Revision 2 (09/02)
Case ID No. 343 PCW Revision 2/10/2004
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101272292; Public Water Supply ID 2040025
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Four miles east of Shepherd off Highway 59 North, San Jacinto County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) 0%

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** 0%

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** 0%

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 0%

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Tejas)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101272292; Public Water Supply ID 2040025
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.46(b)
Secondary Cite(s) Tex. Health & Safety Code § 341.033(c)
Violation Description Failure to take the proper number of raw water samples in May 2001. The Respondent is required to take one raw water sample per month and no sample was taken in May 2001.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human Health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty **$500**

Events Notes One monthly event is recommended based on the May 2001 monitoring period, as documented during the investigation conducted on January 7, 2002.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $500

This Violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Tejas)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	1-May-2001	1-Jun-2001	0.1	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to collect raw water samples.						
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/equip				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							

Approx Cost of Compliance $100

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Tejas)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101272292; Public Water Supply ID 2040025
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection. The respondent is required to provide 56.4 gpm and currently provides 39 gpm, indicating a 31% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from investigation (January 7, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $1,045 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Lake Tejas)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	7-Jan-2002	1-Jan-2005	3.0	$50	$995	$1,045
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 cost to provide adequate well capacity.						
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/equip				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							

Approx Cost of Compliance $5,000

TOTAL $1,045

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101272292 LAKE TEJAS
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2040025
Location: 4 miles east of Shepherd off US 59 North
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 01/07/2002

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Northwoods)		
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101242006; Public Water Supply ID 2040013		
Facility/Site Region	10 - Beaumont	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	3
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $3,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

+

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$1,274	Total EB Amounts
$7,000	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 **Final Subtotal** $3,000

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $3,000

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $3,000

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $600

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$2,400**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Northwoods) **Policy Revision 2 (09/02)**
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101242006; Public Water Supply ID 2040013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address On Highway 190 East, 1.5 miles east of Point Blank, San Jacinto County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Northwoods)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101242006; Public Water Supply ID 2040013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(A)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. The respondent is required to provide 113 gpm and currently provides 97 gpm, indicating an 14.2% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential		x	

Percent 25%

» Programmatic Matrix

OR	Falsification	Major	Moderate	Minor

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $1,062

Violation Final Penalty total $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Northwoods)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	20-Dec-2001	1-Jan-2005	3.0	$51	$1,012	$1,062
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 cost to provide adequate well capacity.						
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/equip				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							

Approx Cost of Compliance $5,000

TOTAL $1,062

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Northwoods)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101242006; Public Water Supply ID 2040013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.43(c)(5)
Secondary Cite(s)
Violation Description Failure to properly locate the inlet and outlet connections so as to prevent short circuiting or stagnation of water within the ground storage tank.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to locate the inlet and outlet connections to the ground storage tank could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $123

Violation Final Penalty total $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Northwoods)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$1,000	20-Dec-2001	24-Sep-2003	1.8	$6	$117	$123
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 cost to relocate the connections of the ground storage tank.

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/equip				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:

Approx Cost of Compliance $1,000

TOTAL $123

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Northwoods)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101242006; Public Water Supply ID 2040013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)]
Secondary Cite(s) Tex. Health & Safety Code § 341.033(a)
Violation Description Failure to provide a class C certified operator.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR **Percent**

Matrix Notes By failing to operate the public water supply system under the full-time supervision of a properly certified water works operator, the Respondent has allowed conditions which could expose human health to pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended from date of investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $88 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) $1,500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Northwoods)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	20-Dec-2001	24-Sep-2003	1.8	$88	n/a	$88

Notes for DELAYED costs: Estimated cost to employ an operator with at least a Grade "C" certificate.

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/equip				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:

Approx Cost of Compliance: $1,000

TOTAL: $88

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101242006 NORTHWOODS
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2040013
Location: ON US HWY 190 EAST; 1.5 MILES EAST OF POINT BLANK
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 12/20/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	Screening	10-Apr-2003	Priority Due	8-Aug-2003	EPA Due	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Water System)		
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101259539; Public Water Supply ID 1870013		
Facility/Site Region	10 - Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	No. Violations	7
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Audra L. Ruble	EC's Team	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	Minimum $50	Maximum $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — *Subtotal 1* $4,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement — *Subtotals 2, 3 & 7* $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement — *Subtotal 4* $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction — *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

Notes: The Respondent is not yet in compliance. +

Economic Benefit 0% Enhancement* — *Subtotal 6* $0

$3,266	Total EB Amounts
$25,200	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 — Final Subtotal $4,500

+

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes: =

Final Penalty Amount $4,500

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty $4,500

-

DEFERRAL — Deferral 20% Reduction — *Adjustment* $900

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY $3,600

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Water System) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101259539; Public Water Supply ID 1870013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address On Lake Livingston, south of Farm-to-Market Road 2457, near Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101259539; Public Water Supply ID 1870013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.109(c)(1)(A)
Secondary Cite(s)
Violation Description Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system. At the time of the investigation, 8 of 12 bacteriological samples were collected from only two locations on the sample site map.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty **$500**

Events Notes One quarterly event is recommended from date of investigation (January 3, 2002) to compliance date (March 1, 2002).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $1 ***Violation Final Penalty total*** $500

This Violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	3-Jan-2002	1-Mar-2002	0.2	$1	n/a	$1
Notes for DELAYED costs	Estimated cost to conduct sampling correctly.						
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/equip				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							

Approx Cost of Compliance $100

TOTAL $1

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101259539; Public Water Supply ID 1870013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.46(m)
Secondary Cite(s)
Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. At the time of the investigation, the ground storage tank and pressure tank were corroded.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty **$500**

Events Notes One quarterly event is recommended based on investigation (January 3, 2002) to compliance date (March 1, 2002).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $109 ***Violation Final Penalty total*** $500

This Violation Final Assessed Penalty (adjusted for limits) **$500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	3-Jan-2002	1-Mar-2002	0.2	$5	$104	$109
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 cost to replace the ground storage tank and pressure tank.

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/equip				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:

Approx Cost of Compliance $10,000

TOTAL $109

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101259539; Public Water Supply ID 1870013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. The respondent is required to provide 118.2 gpm and was only providing 43 gpm, indicating a 63.6% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential	x		

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended based on investigation (January 3, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $3,147 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) **$1,500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$15,000	3-Jan-2002	1-Jan-2005	3.0	$150	$2,997	$3,147
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 cost to provide additional well, storage, and pressure tank capacities.

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/equip				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:

Approx Cost of Compliance $15,000

TOTAL $3,147

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101259539; Public Water Supply ID 1870013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 4
Primary Rule Cite 30 Tex. Admin. Code § 290.46(f)(2)
Secondary Cite(s)
Violation Description Failure to maintain records of annual pressure tank inspections. During the investigation, it was noted that the water system did not have a pressure tank inspection on file for the system's pressure tank.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential			

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR	x		

Percent 25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$250**

Events Notes One single event is recommended based on the date of investigation (January 3, 2002).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $9

Violation Final Penalty total $250

This Violation Final Assessed Penalty (adjusted for limits) $250

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	3-Jan-2002	24-Sep-2003	1.7	$9	n/a	$9

Notes for DELAYED costs: Estimated cost to maintain record of inspections.

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/equip				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:

Approx Cost of Compliance: $100

TOTAL: $9

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101259539; Public Water Supply ID 1870013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 5
Primary Rule Cite 30 Tex. Admin. Code §§ 290.43(c)(1) and (5)
Secondary Cite(s)
Violation Description Failure to ensure that the ground storage tank vent is designed to prevent possible entry of dust, birds, insects or any contaminants. The opening must be protected by a 16-mesh or finer corrosion resistant screening. Failure to properly locate the inlet and outlet connections on the ground storage tank so as to prevent short circuiting or stagnation of water within the tank.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to locate the inlet and outlet connections to the ground storage tank could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty **$250**

Events Notes One quarterly event is recommended based on investigation (January 3, 2002) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $250

This Violation Final Assessed Penalty (adjusted for limits) $250

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit is addressed under violation 2.

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/equip				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:

Approx Cost of Compliance $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101259539; Public Water Supply ID 1870013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 6
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a total storage capacity of 200 gallons per connection. The respondent is required to provide 39,400 gallons and was only providing 24,000 gallons, indicating a 39.1% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 25%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended based on investigation (January 3, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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	Economic benefit is addressed under violation 3.						
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/equip				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							

Approx Cost of Compliance $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101259539; Public Water Supply ID 1870013
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 7
Primary Rule Cite 30 Tex. Admin. Code §§ 290.45(b)(1)(C)(iv)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a pressure tank capacity of 20 gallons per connection. The respondent is required to provide 3940 gallons per connection and was only providing 3000 gallons per connection, indicating a 23.9% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended based on investigation (January 3, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Nugents Cove Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit is addressed under violation 3.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL: $0

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101259539 NUGENTS COVE WATER SYSTEM
Classification: Site Rating: 0.00
ID Number(s):PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870013
Location: ON LAKE LIVINGSTON SOUTH OF FM 2457
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 01/03/2002

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	Screening	10-Apr-2003	Priority Due	8-Aug-2003	EPA Due	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water System)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.102693454; Public Water Supply ID 2280003
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	No. Violations	8
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Audra L. Ruble	EC's Team	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	Minimum $50	Maximum $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — *Subtotal 1* $9,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement — *Subtotals 2, 3 & 7* $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement — *Subtotal 4* $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction — *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

Notes: The Respondent is not yet in compliance. +

Economic Benefit 0% Enhancement* — *Subtotal 6* $0

$1,587	Total EB Amounts
$12,100	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 — Final Subtotal $9,500 +

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes: =

Final Penalty Amount $9,500

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty $9,500 -

DEFERRAL Deferral 20% Reduction — *Adjustment* $1,900

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY $7,600

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water System) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.102693454; Public Water Supply ID 2280003
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Approximately 14 miles north of Onalaska on Highway 356 to White Rock Creek, Trinity County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water Sy
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.102693454; Public Water Supply ID 2280003
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)]
Secondary Cite(s) Tex. Health & Safety Code § 341.033(a)
Violation Description Failure to provide a class C certified operator.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm			
Release	Major	Moderate	Minor	
OR Actual				
Potential	x			

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes By failing to operate the public water supply system under the full-time supervision of a properly certified water works operator, the Respondent has allowed conditions which could expose human health to pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended from date of investigation (December 6, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $90 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) **$1,500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	6-Dec-2001	24-Sep-2003	1.8	$90	n/a	$90

Notes for DELAYED costs: Estimated cost to employ an operator with at least a Grade "C" certificate.

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/equip				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:

Approx Cost of Compliance $1,000

TOTAL $90

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water Sy
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.102693454; Public Water Supply ID 2280003
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.109(c)(1)(A)
Secondary Cite(s)
Violation Description Failure collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system. During the investigation, it was noted that the water system failed to adequately rotate bacteriological sample sites from the sample site plan, and multiple samples were taken from locations not listed on the sample site plan.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty **$500**

Events Notes One quarterly event is recommended from date of investigation (December 6, 2001) to compliance date (March 1, 2002).

Economic Benefit (EB) for this violation | Statutory Limit Test

Estimated EB Amount ($) $1

Violation Final Penalty total $500

This Violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	6-Dec-2001	1-Mar-2002	0.2	$1	n/a	$1

Notes for DELAYED costs: Estimated cost to conduct sampling correctly.

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/equip				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:

Approx Cost of Compliance: $100

TOTAL $1

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water S Revision 2 (09/02)
Case ID No. 343 PCW Revision 2/10/2004
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.102693454; Public Water Supply ID 2280003
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.45(f)
Secondary Cite(s)
Violation Description Failure to provide a proper purchase water contract.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes The failure to provide an adequate purchase water contract could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended from date of investigation (December 6, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $154 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) **$1,500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	6-Dec-2001	1-Jan-2005	3.1	$154	n/a	$154
Notes for DELAYED costs	Estimated cost to provide an adequate purchase water contract.						
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/equip				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							

Approx Cost of Compliance $1,000

TOTAL $154

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water Sy
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.102693454; Public Water Supply ID 2280003
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 4
Primary Rule Cite 30 Tex. Admin. Code § 290.46(m)
Secondary Cite(s) 30 Tex. Admin. Code §§ 290.43(c)(2) and (7)
Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. At the time of the investigation, multiple water system components were severely corroded affecting the integrity of the tanks. Failure to lock the roof hatch on the 0.036 MG Oakridge ground storage tank. Failure to maintain the drain of the ground storage tank so that it is not subject to submergence.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended from date of investigation (December 6, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $1,342 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) **$1,500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	6-Dec-2001	6-Nov-2003	1.9	$64	$1,279	$1,342
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 cost to replace the ground storage tank and pressure tank.

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/equip				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:

Approx Cost of Compliance: $10,000

TOTAL $1,342

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water S **evision 2 (09/02)**
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.102693454; Public Water Supply ID 2280003
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 5
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(ii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a total storage capacity of 200 gallons per connection at the Oakridge plant. The respondent is required to provide 81,000 gallons and was only providing 45,000 gallons, indicating a 44.4% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 25%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (December 6, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit addressed under violation 4.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water Sy
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.102693454; Public Water Supply ID 2280003
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 6
Primary Rule Cite 30 Tex. Admin. Code §§ 290.43(c)(5) and (d)(3)
Secondary Cite(s)
Violation Description Failure to properly locate the inlet and outlet connections on the 0.012 MG Oakridge ground storage tank so as to prevent short circuiting or stagnation of water within the ground storage tank. Failure to equip the pressure tank at the Timber Bay Subdivision with a site glass.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
OR Actual			
Potential		x	

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Failure to locate the inlet and outlet connections to the ground storage tank could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (December 6, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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	Economic benefit addressed under violation 4.						
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/equip				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							

Approx Cost of Compliance $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water Sy
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.102693454; Public Water Supply ID 2280003
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 7
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide two or more service pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection. The respondent is required to provide 808 gpm and was only providing 300 gpm, indicating a 62.9% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

OR	Falsification	Major	Moderate	Minor

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended from date of investigation (December 6, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $1,500

This Violation Final Assessed Penalty (adjusted for limits) **$1,500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit addressed under violation 5.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water Sy
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.102693454; Public Water Supply ID 2280003
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 8
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a pressure tank capacity of 20 gallons per connection at the Oakridge plant. The respondent is required to provide 8100 gallons per connection and was only providing 2500 gallons per connection, indicating a 69.1% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended from date of investigation (December 6, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) **$1,500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Oakridge Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit addressed under violation 4.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL: $0

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN102693454 OAKRIDGE WATER SYSTEM
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2280003
Location: APPROXIMATELY 14 MILES NORT H OF ONALASKA ON HWY 356 TO WHITE ROCK CREEK
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 12/06/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Paradise Acres)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101201960; Public Water Supply ID 1870076
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	4
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — ***Subtotal 1*** $2,850

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 0% Enhancement — ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability — 0% Enhancement — ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply — 10% Reduction — ***Subtotal 5*** -$285

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
None of the above		*(mark with small x)*

Notes: The Respondent submitted correspondence dated September 24, 2003 demonstrating that compliance has been achieved. +

Economic Benefit — 0% Enhancement* — ***Subtotal 6*** $0

$228 Total EB Amounts **Capped at the Total EB $ Amount*

$3,000 Approx. Cost of Compliance =

SUM OF SUBTOTALS 1-7 — **Final Subtotal** $2,565

+

OTHER FACTORS AS JUSTICE MAY REQUIRE — ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $2,565

STATUTORY LIMIT ADJUSTMENT — **Final Assessed Penalty** $2,565

-

DEFERRAL — Deferral 20% Reduction — ***Adjustment*** $513

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY — **$2,052**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Paradise Acres) licy Revision 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101201960; Public Water Supply ID 1870076
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address On Farm-to-Market Road 356, approximately five miles west of Onalaska, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Paradise Acres)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101201960; Public Water Supply ID 1870076
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)]
Secondary Cite(s) Tex. Health & Safety Code § 341.033(a)
Violation Description Failure to provide a class C certified operator.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes By failing to operate the public water supply system under the full-time supervision of a properly certified water works operator, the Respondent has allowed conditions which could expose human health to pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended from date of investigation (December 6, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $90 ***Violation Final Penalty total*** $1,350

This Violation Final Assessed Penalty (adjusted for limits) **$1,350**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Paradise Acres)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	6-Dec-2001	24-Sep-2003	1.8	$90	n/a	$90

Notes for DELAYED costs: Estimated cost to employ an operator with at least a Grade "C" certificate.

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/equip				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:

Approx Cost of Compliance $1,000

TOTAL $90

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Paradise Acres)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101201960; Public Water Supply ID 1870076
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.46(m)
Secondary Cite(s)
Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. During the investigation, the overflow flap on the 0.068 MG ground storage tank at Hawg Heaven was exhibiting signs of severe corrosion.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$500**

Events Notes One semiannual event is recommended from date of investigation (December 6, 2001) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $12 ***Violation Final Penalty total*** $450

This Violation Final Assessed Penalty (adjusted for limits) **$450**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Paradise Acres)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	6-Dec-2001	1-Mar-2002	0.2	$12	n/a	$12
Notes for DELAYED costs	Estimated cost to conduct necessary repairs.						
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/equip				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							

Approx Cost of Compliance $1,000

TOTAL $12

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Paradise Acres) evision 2 (09/02)
Case ID No. 343 PCW Revision 2/10/2004
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101201960; Public Water Supply ID 1870076
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a service pump capacity of 2.0 gallons per minute per connection. At the time of the investigation, the system was at 100% of the pump's capacity. The system must have the ability to meet peak hourly demands with the largest pump out of service.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential			x

Percent 10%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Human health will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on the date of investigation (December 6, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $126 ***Violation Final Penalty total*** $90

This Violation Final Assessed Penalty (adjusted for limits) **$90**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Paradise Acres)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$1,000	6-Dec-2001	24-Sep-2003	1.8	$6	$120	$126
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 cost to provide adequate pumping capacity.						
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/equip				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							

Approx Cost of Compliance $1,000

TOTAL **$126**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Paradise Acres)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101201960; Public Water Supply ID 1870076
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 4
Primary Rule Cite 30 Tex. Admin. Code § 290.43(c)(3)
Secondary Cite(s)
Violation Description Failure to provide the 0.068 MG ground storage tank at Paradise Acres with a properly designed overflow pipe which is equipped with a hinged flap valve.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 25%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (December 6, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $675

This Violation Final Assessed Penalty (adjusted for limits) **$675**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Paradise Acres)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit is addressed under violation 2.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL $0

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner-Service Corporation CN600623029 Lake Livingston Water Supply & Sewer
Classification: Rating: 0.000
Regulated Entity: RN101201960 PARADISE ACRES WATER SYSTEM
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870076
Location: FARM-TO-MARKET ROAD 356, APPROXIMATELY FIVE MILES WEST OF ONALASKA, POLK COUNTY
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 12/06/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (09/02) *PCW Revision 2/10/2004*

DATES

PCW	1-Apr-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Water System)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101199776; Public Water Supply ID 1870025
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	4
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum**	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $2,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	X	*(mark with small x)*

+

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$2,153	Total EB Amounts
$15,000	Approx. Cost of Compliance

**Capped at the Total EB $ Amount*

=

SUM OF SUBTOTALS 1-7 **Final Subtotal** $2,750

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes:

=

Final Penalty Amount $2,750

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $2,750

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $550

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years.

=

PAYABLE PENALTY **$2,200**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Water System) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101199776; Public Water Supply ID 1870025
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Pine Shadows subdivision off Farm-to-Market Road 3277, near Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101199776; Public Water Supply ID 1870025
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.46(m)
Secondary Cite(s)
Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. During the investigation, it was not that the electrode probe entry point, tank interior, and roof on the ground storage tank at the Indian Hill Estates booster station were severely corroded.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty **$500**

Events Notes One quarterly event is recommended from date of investigation (January 3, 2002) to compliance date (March 1, 2002).

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $55 ***Violation Final Penalty total*** $500

This Violation Final Assessed Penalty (adjusted for limits) **$500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	3-Jan-2002	1-Mar-2002	0.2	$3	$52	$55
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 cost to conduct needed repairs.						
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/equip				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							

Approx Cost of Compliance $5,000

TOTAL $55

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101199776; Public Water Supply ID 1870025
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide two or more service pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection at the Pine Shadows Plant and Indian Hill Estates booster station. The respondent is required to provide 1572.4 gpm and was only providing 1200 gpm, indicating a 23.7% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (January 3, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $2,098 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	3-Jan-2002	1-Jan-2005	3.0	$100	$1,998	$2,098
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 cost to provide additional service pump and pressure tank capacities.

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/equip				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:

Approx Cost of Compliance: $10,000

TOTAL $2,098

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101199776; Public Water Supply ID 1870025
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.43(c)(5)
Secondary Cite(s)
Violation Description Failure to properly locate the inlet and outlet connections on the ground storage tank so as to prevent short circuiting or stagnation of water.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to locate the inlet and outlet connections to the ground storage tank could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty $750

Events Notes Three semiannual events are recommended from date of investigation (January 3, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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: Economic benefit is addressed under violation 1.

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/equip				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:

Approx Cost of Compliance: $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101199776; Public Water Supply ID 1870025
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 4
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a pressure tank capacity of 20 gallons per connection at the Indian Hill Estates booster station. The respondent is required to provide 6680 gallons per connection and was only providing 4000 gallons per connection, indicating a 40.1% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential		x	

Percent 25%

» Programmatic Matrix

OR	Falsification	Major	Moderate	Minor

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (January 3, 2002) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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	Economic benefit is addressed under violation 2.						
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/equip				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							

Approx Cost of Compliance $0

TOTAL $0

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (09/02) *PCW Revision 2/10/2004*

DATES

PCW	1-Apr-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Water System)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101199776; Public Water Supply ID 1870025; CCN 10147
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	1
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Utilities		
Admin. Penalty $ Limit	**Minimum** $0	**Maximum** $500	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $125

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0%** Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability **0%** Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply **10%** Reduction ***Subtotal 5*** -$13

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
None of the above		*(mark with small x)*

+

Notes: The Respondent submitted correspondence dated September 24, 2003 demonstrating that compliance has been achieved.

Economic Benefit **0%** Enhancement* ***Subtotal 6*** $0

$129 Total EB Amounts **Capped at the Total EB $ Amount*

$1,500 Approx. Cost of Compliance =

SUM OF SUBTOTALS 1-7 **Final Subtotal** $113

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $113

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $113

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $23

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$90**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Water System) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101199776; Public Water Supply ID 1870025; CCN 10147
Media [Statute] Public Water Utilities
Enf. Coordinator Audra L. Ruble
Site Address Pine Shadows subdivision off Farm-to-Market Road 3277, near Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Wa evision 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101199776; Public Water Supply ID 1870025; CCN
Media [Statute] Public Water Utilities
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 291.93(3)
Secondary Cite(s)
Violation Description Failure to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area when the system has reached 85% of its capacity. At the time of the investigation, the system was at 96% of its well production capacity.

Base Penalty $500

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential			

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR	x		

Percent 25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -$375

Base Penalty Subtotal $125

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$125**

Events Notes One single event is recommended based on the date of investigation (January 3, 2002).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $129 ***Violation Final Penalty total*** $113

This Violation Final Assessed Penalty (adjusted for limits) **$113**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Pine Shadows Water System)
ID Number(s) 343
Media [Statute] Public Water Utilities
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,500	3-Jan-2002	24-Sep-2003	1.7	$129	n/a	$129

Notes for DELAYED costs: Approximate cost to prepare a report that addresses capacity issues.

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/equip				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:

Approx Cost of Compliance: $1,500

TOTAL $129

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101199776 PINE SHADOWS WATER SYSTEM
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870025
Location: Of FM 3277, Polk Co.
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 01/03/2002

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estates)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No. 101264596; Public Water Supply ID 2040017; CCN 10147
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	1
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Utilities		
Admin. Penalty $ Limit	**Minimum** $0	**Maximum** $500	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $125

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 10% Reduction ***Subtotal 5*** -$13

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
None of the above		*(mark with small x)*

Notes: The Respondent submitted correspondence dated September 24, 2003 demonstrating that compliance has been achieved. +

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$135	Total EB Amounts
$1,500	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 **Final Subtotal** $113

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $113

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $113

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $23

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY $90

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estates) licy Revision 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101264596; Public Water Supply ID 2040017; CCN 10147
Media [Statute] Public Water Utilities
Enf. Coordinator Audra L. Ruble
Site Address Off of Highway 190 East, on Farm-to-Market Road 980, approximately 5.5 miles west of Coldspring, San Jacinto County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No. 101264596; Public Water Supply ID 2040017; CCN 1
Media [Statute] Public Water Utilities
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 291.93(3)
Secondary Cite(s)
Violation Description Failure to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area when the system has reached 85% of its capacity. At the time of the investigation, the system was at 99% of its' well production capacity.

Base Penalty $500

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
OR Actual			
Potential			

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR	x		

Percent 25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -$375

Base Penalty Subtotal $125

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$125**

Events Notes One single event is recommended based on the date of investigation (December 4, 2001).

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $135 — ***Violation Final Penalty total*** $113

This Violation Final Assessed Penalty (adjusted for limits) $113

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estates)
ID Number(s) 343
Media [Statute] Public Water Utilities
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,500	4-Dec-2001	24-Sep-2003	1.8	$135	n/a	$135

Notes for DELAYED costs: Approximate cost to prepare a report that addresses capacity issues.

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/equip				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:

Approx Cost of Compliance: $1,500

TOTAL $135

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	7-Feb-2005	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estates)		
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101264596; Public Water Supply ID 2040017		
Facility/Site Region	10 - Beaumont	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	5
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $3,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

Notes: The Respondent is not yet in compliance. +

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$2,346	Total EB Amounts
$12,200	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 **Final Subtotal** $3,750

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $3,750

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $3,750

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $750

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$3,000**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estates) **licy Revision 2 (09/02)**
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101264596; Public Water Supply ID 2040017
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Off of Highway 190 East, on Farm-to-Market Road 980, approximately 5.5 miles west of Coldspring, San Jacinto County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101264596; Public Water Supply ID 2040017
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)]
Secondary Cite(s) Tex. Health & Safety Code § 341.033(a)
Violation Description Failure to provide a class C certified operator.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes By failing to operate the public water supply system under the full-time supervision of a properly certified water works operator, the Respondent has allowed conditions which could expose human health to pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended from date of investigation (December 4, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $90 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) **$1,500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estates)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	4-Dec-2001	24-Sep-2003	1.8	$90	n/a	$90

Notes for DELAYED costs: Estimated cost to employ an operator with at least a Grade "C" certificate.

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/equip				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:

Approx Cost of Compliance: $1,000

TOTAL $90

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101264596; Public Water Supply ID 2040017
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.109(c)(1)(A)
Secondary Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)(A)
Violation Description Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system. At the time of the investigation, the bacteriological samples were only collected from an isolated area of the distribution system. Failure to consistently conduct chlorine residual tests once every seven days throughout the distribution system.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$500**

Events Notes One semiannual event is recommended from date of investigation (December 4, 2001) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $1 ***Violation Final Penalty total*** $500

This Violation Final Assessed Penalty (adjusted for limits) **$500**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estates)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	4-Dec-2001	1-Mar-2002	0.2	$1	n/a	$1

Notes for DELAYED costs: Estimated cost to conduct sampling correctly.

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/equip				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:

Approx Cost of Compliance: $100

TOTAL $1

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101264596; Public Water Supply ID 2040017
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.43(c)(3)
Secondary Cite(s)
Violation Description Failure to provide the ground storage tank with a properly designed overflow pipe which is equipped with a hinged flap valve.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (December 4, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $90

Violation Final Penalty total $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estates)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$1,000	4-Dec-2001	24-Sep-2003	1.8	$90	n/a	$90

Notes for DELAYED costs: Estimated cost to conduct necessary maintenance repairs.

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/equip				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:

Approx Cost of Compliance: $1,000

TOTAL: $90

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101264596; Public Water Supply ID 2040017
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 4
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. The respondent is required to provide 104 gpm and was only providing 74 gpm, indicating a 28.8% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (December 4, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $2,156 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estates)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	4-Dec-2001	1-Jan-2005	3.1	$103	$2,053	$2,156
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 cost to provide additional well and storage capacities.

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/equip				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:

Approx Cost of Compliance: $10,000

TOTAL $2,156

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Est
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101264596; Public Water Supply ID 2040017
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 5
Primary Rule Cite 30 Tex. Admin. Code § 290.46(m)(1)(B)
Secondary Cite(s)
Violation Description Failure to properly complete the tank inspections for the 0.024 MG ground storage tank and the 0.001 MG and 0.003 MG pressure tanks.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential			

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR	x		

Percent 25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$250**

Events Notes One single event is recommended based on the date of investigation (December 4, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $9 ***Violation Final Penalty total*** $250

This Violation Final Assessed Penalty (adjusted for limits) **$250**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Point Lookout Estates)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	4-Dec-2001	24-Sep-2003	1.8	$9	n/a	$9
Notes for DELAYED costs	Estimated cost to conduct and record tank inspections.						

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/equip				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							

Approx Cost of Compliance $100

TOTAL $9

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101264596 POINT LOOKOUT ESTATES
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2040017
Location: OFF OF HWY 190 EAST, ON FM 980; APPROXIMATELY 5.5 MILES WEST OF COLDSPRING
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 12/04/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (09/02) *PCW Revision 2/10/2004*

DATES

PCW	1-Apr-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Riverview Terrace Water System)		
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101243103; Public Water Supply ID 2040056		
Facility/Site Region	10 - Beaumont	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	2
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $2,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0%** Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability **0%** Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply **0%** Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

+

Notes: The Respondent is not yet in compliance.

Economic Benefit **0%** Enhancement* ***Subtotal 6*** $0

$1,679	Total EB Amounts
$10,000	Approx. Cost of Compliance

**Capped at the Total EB $ Amount*

=

SUM OF SUBTOTALS 1-7 **Final Subtotal** $2,250

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $2,250

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **$2,250**

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $450

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$1,800**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Riverview Terrace Water System) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101243103; Public Water Supply ID 2040055
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Off Farm-to-Market Road 222 on Spring Ridge Road, 1.8 miles southeast of Camilla, San Jacinto County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Riverview Terrace V
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101243103; Public Water Supply ID 2040055
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.46(m)
Secondary Cite(s)
Violation Description Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities. At the time of the investigation, the pressure tank was severely corroded.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended from date of investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $617 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) $1,500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Riverview Terrace Water System)

ID Number(s) 343

Media [Statute] Public Water Supply

Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	20-Dec-2001	24-Sep-2003	1.8	$29	$587	$617
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 cost to conduct necessary maintenance repairs.

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/equip				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:

Approx Cost of Compliance: $5,000

TOTAL **$617**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Riverview Terrace V
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101243103; Public Water Supply ID 2040055
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(A)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a well capacity of 1.5 gallons per minute ("gpm") per connection. The respondent is required to provide 42 gpm and was only providing 22 gpm, indicating a 47.6% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $1,062 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Riverview Terrace Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	20-Dec-2001	1-Jan-2005	3.0	$51	$1,012	$1,062
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 cost to provide additional well capacity.

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/equip				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:

Approx Cost of Compliance $5,000

TOTAL $1,062

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101243103 RIVERVIEW TERRACE
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2040056
Location:
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A
B. Any criminal convictions of the state of Texas and the federal government.
N/A
C. Chronic excessive emissions events.
N/A
D. The dates of investigations.
12/20/01
E. Written notices of violations (NOV).
N/A
F. Environmental audits.
N/A
G. Type of environmental management systems (EMSs).
N/A
H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	Screening	10-Apr-2003	Priority Due	8-Aug-2003	EPA Due	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Weavers Cove Water System)		
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101280790; Public Water Supply ID 1870012		
Facility/Site Region	10 - Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	No. Violations	3
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Audra L. Ruble	EC's Team	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	Minimum $50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* — *Subtotal 1* $3,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

+

Compliance History 0% Enhancement — *Subtotals 2, 3 & 7* $0

Notes: No enhancement recommended due to compliance history.

+

Culpability 0% Enhancement — *Subtotal 4* $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria.

+

Good Faith Effort to Comply 0% Reduction — *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	X	*(mark with small x)*

+

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

$2,127	Total EB Amounts
$10,000	Approx. Cost of Compliance

=

SUM OF SUBTOTALS 1-7 — **Final Subtotal** $3,100

+

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes:

=

Final Penalty Amount $3,100

STATUTORY LIMIT ADJUSTMENT — **Final Assessed Penalty** $3,100

-

DEFERRAL Deferral 20% Reduction — *Adjustment* $620

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years.

=

PAYABLE PENALTY $2,480

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Weavers Cove Water System) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101280790; Public Water Supply ID 1870012
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Off Farm-to-Market Road 3126, east of Farm-to-Market Road 350, adjacent to Beacon Bay Subdivision, near Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Weavers Cove Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101280790; Public Water Supply ID 1870012
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a total storage capacity of 200 gallons per connection. The respondent is required to provide 10,600 gallons and has no storage tanks, indicating a 100% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 50%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$1,500**

Events Notes Three semiannual events are recommended from date of investigation (December 19, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $2,127

Violation Final Penalty total $1,500

This Violation Final Assessed Penalty (adjusted for limits) $1,500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Weavers Cove Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	19-Dec-2001	1-Jan-2005	3.0	$101	$2,026	$2,127
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 cost to provide additional service pump, storage, and pressure tank capacities.

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/equip				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:

Approx Cost of Compliance: $10,000

TOTAL $2,127

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Weavers Cove Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101280790; Public Water Supply ID 1870012
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide two or more service pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection. The respondent is required to provide 106 gpm and has no service pumps, indicating a 100% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm			
Release	Major	Moderate	Minor	
Actual				
Potential	x			

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty $1,500

Events Notes Three semiannual events are recommended from date of investigation (December 19, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $1,500

This Violation Final Assessed Penalty (adjusted for limits) $1,500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Weavers Cove Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Delayed Costs

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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: Economic benefit addressed under violation 1.

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/equip				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:

Approx Cost of Compliance $0

TOTAL $0

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Weavers Cove Wat
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101280790; Public Water Supply ID 1870012
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(iv)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a pressure tank capacity of 50 gallons per connection. The respondent is required to provide 1060 gallons and was only providing 1000 gallons, indicating a 5.7% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential			x

Percent 10%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on the date of investigation (December 19, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0

Violation Final Penalty total $100

This Violation Final Assessed Penalty (adjusted for limits) **$100**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Weavers Cove Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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	Economic benefit addressed under violation 1.						
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/equip				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							

Approx Cost of Compliance $0

TOTAL $0

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101280790 WEAVERS COVE WATER SYSTEM
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870012
Location: OFF FM 3126, EAST OF FM 350, ADJACENT TO BEACON BAY SUBDIVISION, Polk County
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999* to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 12/19/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	Screening	10-Apr-2003	Priority Due	8-Aug-2003	EPA Due	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Wiggins Village #2)		
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101454106; Public Water Supply ID 1870046		
Facility/Site Region	10 - Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	No. Violations	2
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Audra L. Ruble	EC's Team	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	Minimum $50	Maximum $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* *Subtotal 1* $3,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement *Subtotals 2, 3 & 7* $0

Notes: No enhancement is recommended due to compliance history. +

Culpability 0% Enhancement *Subtotal 4* $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

+

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* *Subtotal 6* $0

$1,084	Total EB Amounts
$5,100	Approx. Cost of Compliance

**Capped at the Total EB $ Amount*

=

SUM OF SUBTOTALS 1-7 Final Subtotal $3,500

+

OTHER FACTORS AS JUSTICE MAY REQUIRE *Adjustment* $0

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

Notes: =

Final Penalty Amount $3,500

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $3,500

-

DEFERRAL Deferral 20% Reduction *Adjustment* $700

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY $2,800

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wiggins Village #2) licy Revision 2 (09/02)
Case ID No. 343 PCW Revision 2/10/2004
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101454106; Public Water Supply ID 1870046
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address On Farm-to-Market Road 2457, left on Chris Brent Drive, approximately 5.5 miles from Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement is recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wiggins Village #2)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101454106; Public Water Supply ID 1870046
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.110(c)(5)(A)
Secondary Cite(s)
Violation Description Failure to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$500**

Events Notes One semiannual event is recommended based on investigation (November 29, 2001) to compliance date (March 1, 2002) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $1

Violation Final Penalty total $500

This Violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wiggins Village #2)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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)	$100	29-Nov-2001	1-Mar-2002	0.3	$1	n/a	$1

Notes for DELAYED costs: Estimated cost to conduct sampling correctly.

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/equip				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:

Approx Cost of Compliance: $100

TOTAL $1

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wiggins Village #2)
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101454106; Public Water Supply ID 1870046
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.41(c)(3)(B)
Secondary Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(J) and Order, Docket No. 31328-S
Violation Description Failure to provide an 18" well casing on wells 1 and 3. Failure to provide a proper concrete sealing block for well 1.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 6

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$3,000**

Events Notes Six semiannual events (three per well) are recommended based on investigation (November 29, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $1,083

Violation Final Penalty total $3,000

This Violation Final Assessed Penalty (adjusted for limits) $3,000

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wiggins Village #2)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	29-Nov-2001	1-Jan-2005	3.1	$52	$1,031	$1,083
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 cost to correct well deficiencies.

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/equip				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:

Approx Cost of Compliance: $5,000

TOTAL $1,083

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101454106 WIGGINS VILLAGE 2
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870046
Location: on FM 2457, left on Chris Brent Dr, approx 5.5 miles from Livingston, Polk County
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 11/29/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02) PCW Revision 2/10/2004

DATES

PCW	1-Apr-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Wild Bird Country Water System)
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101285484; Public Water Supply ID 2040056
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	3
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum** $1,000	

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

+

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$2,139	Total EB Amounts
$11,000	Approx. Cost of Compliance

**Capped at the Total EB $ Amount*

=

SUM OF SUBTOTALS 1-7 **Final Subtotal** $2,000

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $2,000

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $2,000

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $400

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$1,600**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wild Bird Country Water System) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101285484; Public Water Supply ID 2040056
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address Located off of 190 west, Farm-to-Market Road 3126 South, off of Lake Livingston Blvd, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A < *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A < Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wild Bird Country W
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101285484; Public Water Supply ID 2040056
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(A)(i)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a a well capacity of 1.5 gallons per minute ("gpm") per connection. The respondent is required to provide 40.5 gpm and was only providing 30 gpm, indicating a 25.9% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $2,125 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) $750

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wild Bird Country Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$10,000	20-Dec-2001	1-Jan-2005	3.0	$101	$2,024	$2,125
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 cost to provide additional well and pressure tank capacities.

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/equip				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:

Approx Cost of Compliance: $10,000

TOTAL $2,125

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wild Bird Country W
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101285484; Public Water Supply ID 2040056
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.41(c)(3)(O)
Secondary Cite(s)
Violation Description Failure to provide intruder-resistant fences to exclude possible contamination or damage to the facilities by trespassers. At the time of the investigation, it was noted that the fence at Plant # 1 had a large gap between the fence and surface grade.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

OR

Percent

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty **$500**

Events Notes One quarterly event is recommended from date of investigation (December 20, 2001) to compliance date (March 1, 2002).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $14 ***Violation Final Penalty total*** $500

This Violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wild Bird Country Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$1,000	20-Dec-2001	1-Mar-2002	0.2	$1	$13	$14
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 cost to conduct necessary maintenance repairs.						
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/equip				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							

Approx Cost of Compliance $1,000

TOTAL $14

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wild Bird Country W
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101285484; Public Water Supply ID 2040056
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 3
Primary Rule Cite 30 Tex. Admin. Code §290.45(b)(1)(A)(ii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a pressure tank capacity of 50 gallons per connection. The respondent is required to provide 1350 gallons and was only providing 1000 gallons, indicating a 25.9% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential		x	

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR			

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty **$750**

Events Notes Three semiannual events are recommended from date of investigation (December 20, 2001) to screening (April 10, 2003) to make penalty commensurate with situation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $0 ***Violation Final Penalty total*** $750

This Violation Final Assessed Penalty (adjusted for limits) **$750**

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wild Bird Country Water System)
ID Number(s) 343
Media [Statute] Public Water Supply
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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	Economic benefit addressed under violation 1.						
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/equip				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							

Approx Cost of Compliance $0

TOTAL $0

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101285484 WILD BIRD COUNTRY WATER SYSTEM
Classification: Site Rating: 0.00
ID Number(s): PWS ID 2040056
Location: OFF OF 190 WEST, FARM-TO-MARKET ROAD 3126 SOUTH, OFF OF LAKE LIVINGSTON BLVD, POLK COUNTY
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 12/20/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (09/02) *PCW Revision 2/10/2004*

DATES

PCW	1-Oct-2004	**Screening**	10-Apr-2003	**Priority Due**	8-Aug-2003	**EPA Due**	

RESPONDENT INFORMATION

Respondent	Lake Livingston Water Supply and Sewer Service Corporation (Wilson Lake Estates Water Supply)		
Respondent/Site ID No(s).	Customer No. 600623029; Regulated Entity No.101263226; Public Water Supply ID 1870051		
Facility/Site Region	10 - Beaumont	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No(s).	343		
Docket No.	2003-0639-PWS-E	**No. Violations**	2
Case Priority	3	**Order Type**	1660 with deferral
Enf. Coordinator	Audra L. Ruble	**EC's Team**	Enforcement Team 6
Media Program(s)	Public Water Supply		
Admin. Penalty $ Limit	**Minimum** $50	**Maximum**	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY *(Sum of violation base penalties)* ***Subtotal 1*** $350

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement ***Subtotals 2, 3 & 7*** $0

Notes: No enhancement recommended due to compliance history. +

Culpability 0% Enhancement ***Subtotal 4*** $0

No *Select Yes/No*

Notes: The Respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction ***Subtotal 5*** $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
None of the above	x	*(mark with small x)*

Notes: The Respondent is not yet in compliance. +

Economic Benefit 0% Enhancement* ***Subtotal 6*** $0

$443	Total EB Amounts
$2,100	Approx. Cost of Compliance

**Capped at the Total EB $ Amount* =

SUM OF SUBTOTALS 1-7 **Final Subtotal** $350

+

OTHER FACTORS AS JUSTICE MAY REQUIRE ***Adjustment*** $0

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

Notes: =

Final Penalty Amount $350

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $350

-

DEFERRAL Deferral 20% Reduction ***Adjustment*** $70

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

Notes: No previous NOVs for the same or similar violations have been noted for the last five years. =

PAYABLE PENALTY **$280**

Screening Date 10-Apr-2003 **Docket Number** 2003-0639-PWS-E **PCW**
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wilson Lake Estates Water Supply) on 2 (09/02)
Case ID No. 343 **PCW Revision 2/10/2004**
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101263226; Public Water Supply ID 1870051
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Site Address On Wilson Lake Road off of Highway 1276, near Livingston, Polk County

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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) **0%**

>> **Repeat Violator (Subtotal 3)**

N/A *Select Yes/No* ***Adjustment Percentage (Subtotal 3)*** **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

N/A Select High, Average or Poor ***Adjustment Percentage (Subtotal 7)*** **0%**

Compliance History Summary

Compliance History Notes No enhancement recommended due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3 & 7) **0%**

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wilson Lake Estate
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101263226; Public Water Supply ID 1870051
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 290.46(f)(2)
Secondary Cite(s)
Violation Description Failure to maintain records of annual pressure tank inspections.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
OR Actual			
Potential			

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
OR	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$250**

Events Notes: One single event is recommended based on the date of inspection (November 28, 2001).

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount ($) $9

Violation Final Penalty total $250

This Violation Final Assessed Penalty (adjusted for limits) $250

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wilson Lake Estates Water Supply)

ID Number(s) 343

Media [Statute] Public Water Supply

Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$100	28-Nov-2001	24-Sep-2003	1.8	$9	n/a	$9
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 cost to maintain records properly.

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/equip				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:

Approx Cost of Compliance: $100

TOTAL: $9

PCW
Revision 2 (09/02)
PCW Revision 2/10/2004

Screening Date 10-Apr-03 **Docket Number** 2003-0639-PWS-E
Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wilson Lake Estate
Case ID No. 343
Respondent/Site ID No. Customer No. 600623029; Regulated Entity No.101263226; Public Water Supply ID 1870051
Media [Statute] Public Water Supply
Enf. Coordinator Audra L. Ruble
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii)
Secondary Cite(s) Tex. Health & Safety Code § 341.0315(c)
Violation Description Failure to provide a minimum service pump capacity of 2.0 gallons per minute ("gpm") per connection. The respondent is required to provide 150 gpm and was only providing 140 gpm, indicating a 6.7% deficiency.

Base Penalty $1,000

» Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential			x

Percent 10%

» Programmatic Matrix

	Falsification	Major	Moderate	Minor
OR				

Percent

Matrix Notes Failure to meet minimum water capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty **$100**

Events Notes One single event is recommended based on the date of inspection (November 28, 2001).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount ($) $433

Violation Final Penalty total $100

This Violation Final Assessed Penalty (adjusted for limits) $100

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply and Sewer Service Corporation (Wilson Lake Estates Water Supply)

ID Number(s) 343

Media [Statute] Public Water Supply

Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$2,000	28-Nov-2001	1-Jan-2005	3.1	$21	$413	$433
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 cost to provide additional service pump capacity.

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/equip				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:

Approx Cost of Compliance: $2,000

TOTAL $433

Compliance History
(For penalty calculation purposes only)

Customer/Respondent/Owner- CN600623029 Lake Livingston Water Supply & Sewer Service Corporation
Classification: Rating: 0.000
Regulated Entity: RN101263226 WILSON LAKE ESTATES WATER SYSTEM
Classification: Site Rating: 0.00
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870051
Location: on Wilson Lake Rd off of Hwy 1276, Polk County
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 07, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 01, 1999 to April 01, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Audra Ruble Phone: 361-825-3126

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.
N/A

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

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.
1 11/28/2001

E. Written notices of violations (NOV).
N/A

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
LAKE LIVINGSTON WATER	§	
SUPPLY AND SEWER SERVICE	§	
CORPORATION	§	
CERTIFICATE OF CONVENIENCE &	§	
NECESSITY ("CCN") NO. 10147	§	
RN101181378, RN101192516,	§	**TEXAS COMMISSION ON**
RN101186112, RN101283323,	§	
RN101202109, RN101190536,	§	
RN101188878, RN101239333,	§	
RN101253136, RN101456952,	§	
RN101454866, RN103129342,	§	
RN101269694, RN101272292,	§	
RN101242006, RN101259539,	§	**ENVIRONMENTAL QUALITY**
RN102693454, RN101201960,	§	
RN101199776, RN101264596,	§	
RN101243103, RN101280790,	§	
RN101454106, RN101285484,	§	
RN101263226	§	

AGREED ORDER
DOCKET NO. 2003-0639-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 Lake Livingston Water Supply and Sewer Service Corporation ("Lake Livingston") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 13. The Executive Director of the TCEQ, through the Enforcement Division, and Lake Livingston appear before the Commission and together stipulate that:

1. Lake Livingston owns and operates public water supply ("PWS") systems, which serve at least 25 people per day for at least 60 days per year, located at the following locations in Texas (the "Facilities"):

   a. Bass Bay/Indian Hills #1, south of Highway 190 off Farm-to-Market Road 2459, Livingston, Polk County, 37 connections, PWS No. 1870019, RN101181378;

b. Beech Creek Village, off of Highway 190, approximately 2.5 miles east of Livingston, Polk County, 116 connections, PWS No. 1870141, RN101192516;

c. Big Thicket Retreat, off of Highway 787, right on County Road 2137, near Livingston, Hardin County, 31 connections, PWS No. 1000053, RN101186112;

d. Country Sunrise, approximately seven miles south of Livingston off Farm-to-Market Road 1988, Polk County, 57 connections, PWS No. 1870136, RN101283323;

e. Crystal Lakes, off of Highway 190, four miles east of Livingston, Polk County, 94 connections, PWS No. 1870044, RN101202109;

f. Holiday Shores No. 1-2-3, on Farm-to-Market Road 224, approximately nine miles north of Coldspring, San Jacinto County, 252 connections, PWS No. 2040006, RN101190536;

g. Holiday Shores No. 4, off of Farm-to-Market Road 156, approximately six miles east of Coldspring, San Jacinto County, 39 connections, PWS No. 2040011, RN101188878;

h. Impala Woods, off Highway 190 on Gazalle Road, northwest of Onalaska, Polk County, 281 connections, PWS No. 1870094, RN101239333;

i. Indian Hills #2, Farm-to-Market Road 3126, five miles west of Livingston, Polk County, 267 connections, PWS No. 1870020, RN101253136;

j. Indian Springs Lake Estates, off of Highway 190, 7.5 miles east of Livingston, Polk County, 346 connections, PWS No. 1870040, RN101456952;

k. Lake Livingston Estates No. 2 & 3, one mile north of Lake Livingston dam on Farm-to-Market Road 1988, near Livingston, Polk County, 108 connections, PWS No. 1870073, RN101454866;

l. Lake Livingston Estates 4 & 5, located off of 190 west, Farm-to-Market Road 3126 South, off of Lake Livingston Boulevard, Polk County, 153 connections, PWS No. 1870027, RN103129342;

m. Lake Run-A-Muck, two miles east of Highway 59 on Farm-to-Market Road 223, near Shepherd, San Jacinto County, 212 connections, PWS No. 2040009, RN101269694;

n. Lake Tejas, four miles east of Shepherd off Highway 59 North, San Jacinto County, 94 connections, PWS No.2040025, RN101272292;

o. Northwoods, on Highway 190 East, 1.5 miles east of Point Blank, San Jacinto County, 188 connections, PWS No.2040013, RN101242006;

p. Nugents Cove Water System, on Lake Livingston south of Farm-to-Market Road 2457, near Livingston, Polk County, 197 connections, PWS No.1870013, RN101259539;

q. Oakridge Water System, approximately 14 miles north of Onalaska on Highway 356 to White Rock Creek, Trinity County, 490 connections, PWS No.2280003, RN102693454;

r. Paradise Acres, on Farm-to-Market Road 356, approximately five miles west of Onalaska, Polk County, 387 connections, PWS No.1870076, RN101201960;

s. Pine Shadows Water System, Pine Shadows subdivision off Farm-to-Market Road 3277, near Livingston, Polk County, 686 connections, PWS No.1870025, RN101199776;

t. Point Lookout Estates, off of Highway 190 East, on Farm-to-Market Road 980, approximately 5.5 miles west of Coldspring, San Jacinto County, 174 connections, PWS No. 2040017, RN101264596;

u. Riverview Terrace Water System, off Farm-to-Market Road 222 on Spring Ridge Road, 1.8 miles southeast of Camilla, San Jacinto County, 28 connections, PWS No. 2040056, RN101243103;

v. Weavers Cove Water System, off Farm-to-Market Road 3126, east of Farm-to-Market Road 350, adjacent to Beacon Bay Subdivision, near Livingston, Polk County, 53 connections, PWS No. 1870012, RN101280790;

w. Wiggins Village #2, on Farm-to-Market Road 2457, left on Chris Brent Drive, approximately 5.5 miles from Livingston, Polk County, 158 connections, PWS No. 1870046, RN101454106;

x. Wild Bird Country Water System, located off of 190 west, Farm-to-Market Road 3126 South, off of Lake Livingston Blvd, Polk County, 27 connections, PWS No. 2040056, RN101285484; and

y. Wilson Lake Estates Water Supply, on Wilson Lake Road off of Highway 1276, near Livingston, Polk County, 75 connections, PWS No. 1870051, RN101263226.

2. Lake Livingston owns and operates, in Texas and for compensation, equipment or facilities for the transmission, storage, distribution, sale, or provision of potable water to the public or for the resale of potable water to the public for any use. Lake Livingston is not exempt from regulation under TEX. WATER CODE ch. 13 or the rules of the commission.

3. The Commission and Lake Livingston agree that the Commission has jurisdiction to enter this Agreed Order, and that Lake Livingston is subject to the Commission's jurisdiction.

4. Lake Livingston received notice of the violations alleged in Section II ("Allegations") on or about June 25, 2003.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Lake Livingston of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Sixty-Three Thousand Four Hundred Fifty-Six Dollars ($63,456) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Lake Livingston has paid One Thousand Seven Hundred Sixty-Four Dollars ($1,764) of the administrative penalty and Twelve Thousand Six Hundred Ninety-Two Dollars ($12,692) is deferred contingent upon Lake Livingston's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Lake Livingston fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Lake Livingston to pay all or part of the deferred penalty.

   The remaining amount of Forty-Nine Thousand Dollars ($49,000) of the administrative penalty shall be payable in monthly 35 payments of One Thousand Four Hundred Dollars ($1,400) each. The first 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 the penalty amount has been paid in full. If Lake Livingston 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 Lake Livingston to meet the payment schedule of this Agreed Order constitutes the failure by Lake Livingston to timely and satisfactorily comply with all the terms of this Agreed Order.

7. 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.

8. The Executive Director of the TCEQ and Lake Livingston have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that Lake Livingston has implemented the following corrective measures at the Facilities:

   a. Submitted correspondence dated September 24, 2003 demonstrating that the violations described in Allegations 2.a. and b., 3.a., 4.a., 5.a., 6.a. through 6.f., 8.a. through 8.d., 9.d. through 9.f., 10.a. through 10.d., 11.a. and c., 12.a. through 12.d., 14.a., 15.b. and c., 16.a. through 16.d., 16.h., 17.a. and 17.b., 17.d. and 17.e., 18.a. through 18d., 19.a. through 19.c., 19.e., 20.a. through 20.e., and 20.g., 21.a., 23.a., 24.c., and 25.a. have been corrected; and

   b. Submitted correspondence dated April 4, 2004 demonstrating that the violations described in Allegations 6.g. and h., 7.b. and c., 13.a. and b., and 17.f. through 17.k. have been corrected.

10. 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 Lake Livingston has not complied with one or more of the terms or conditions in this Agreed Order.

11. 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.

12. 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.

13.

II. ALLEGATIONS

1. As owner and operator of Bass Bay/Indian Hills #1, Lake Livingston is alleged to have failed to provide a well capacity of 1.5 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 29, 2001.

2. As owner and operator of Beech Creek Village, Lake Livingston is alleged to have:

   a. Failed to properly locate the inlet and outlet connections so as to prevent short circuiting or stagnation of water within the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(5), as documented during an investigation conducted on November 28, 2001;

   b. Failed to maintain records of annual pressure tank inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on November 28, 2001;

   c. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 28, 2001; and

   d. Failed to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area when the system has reached 85% of its capacity, in violation of 30 TEX. ADMIN. CODE § 291.93(3), as documented during an investigation conducted on November 28, 2001.

3. As owner and operator of Big Thicket Retreat, Lake Livingston is alleged to have:

   a. Failed to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A), as documented during an investigation conducted on January 8, 2002;

b. Failed to provide a well capacity of 1.5 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 8, 2002; and

c. Failed to provide a pressure tank capacity of 50 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 8, 2002.

4. As owner and operator of Country Sunrise, Lake Livingston is alleged to have:

a. Failed to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A), as documented during an investigation conducted on January 7, 2002;

b. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 7, 2002; and

c. Failed to provide a service pump capacity of 2.0 gallons per minute 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 7, 2002.

5. As owner and operator of Crystal Lakes, Lake Livingston is alleged to have:

a. Failed to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A), as documented during an investigation conducted on November 28, 2001;

b. Failed to meet the maximum contaminant levels ("MCL") for gross alpha particle activity of 15 pCi/L and combined radium 226 and radium 228 of 5 pCi/L, in violation of 30 TEX. ADMIN. CODE § 290.108(b)(1), as documented during an investigation conducted on November 28, 2001; and

c. Failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 28, 2001.

6. As owner and operator of Holiday Shores No. 1-2-3, Lake Livingston is alleged to have:

a. Failed to consistently conduct daily chlorine residual tests throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(B), as documented during an investigation conducted on December 20, 2001;

b. Failed to properly maintain a record of operations, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(ii), as documented during an investigation conducted on December 20, 2001;

c. Failed to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m) and Order, Docket No. 31328-S, as documented during an investigation conducted on December 20, 2001;

d. Failed to provide each of the ground storage tanks at wells 1 and 3 with a properly designed roof access opening, with a minimum diameter of 24 inches, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2) and Order, Docket No. 31328-S, as documented during an investigation conducted on December 20, 2001;

e. Failed to equip the ground storage tank at well 1 with a water level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on December 20, 2001;

f. Failed to provide a class C certified operator, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on December 20, 2001;

g. Failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 20, 2001; and

h. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 20, 2001.

7. As owner and operator of Holiday Shores No. 4, Lake Livingston is alleged to have:

a. Failed to plug an abandoned well, in violation of 30 TEX. ADMIN. CODE § 290.46(u), as documented during an investigation conducted on December 20, 2001;

b. Failed to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m) and Order, Docket No. 31328-S, as documented during an investigation conducted on December 20, 2001; and

c. Failed to provide a class C certified operator, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on December 20, 2001.

8. As owner and operator of Impala Woods, Lake Livingston is alleged to have:

a. Failed to provide a class C certified operator, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on December 6, 2001;

b. Failed to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(A), as documented during an investigation conducted on December 6, 2001;

c. Failed to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on December 6, 2001;

d. Failed to equip the pressure tank with a site glass, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3), as documented during an investigation conducted on December 6, 2001;

e. Failed to provide two or more wells having a total capacity of 0.6 gpm, per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i), Order, Docket No. 31328-S, and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 6, 2001; and

f. Failed to provide a total rated service pump capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 6, 2001.

9. As owner and operator of Indian Hills #2, Lake Livingston is alleged to have:

a. Failed to provide two or more wells having a total capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 3, 2002;

b. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c) and Agreed Order, Docket No. 31328-S, as documented during an investigation conducted on January 3, 2002;

c. Failed to provide a service pump capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c) and Agreed Order, Docket No. 31328-S, as documented during an investigation conducted on January 3, 2002;

d. Failed to collect all routine bacteriological samples at active service connections which are representative of water throughout the distribution system and that are noted specifically on the Facility's site sampling plan, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A), as documented during an investigation conducted on January 3, 2002;

e. Failed to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(A), as documented during an investigation conducted on January 3, 2002; and

f. Failed to plug an abandoned well, in violation of 30 TEX. ADMIN. CODE § 290.46(u), as documented during an investigation conducted on January 3, 2002.

10. As owner and operator of Indian Springs Lake Estates, Lake Livingston is alleged to have:

a. Failed to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m) and Order, Docket No. 31328-S, as documented during an investigation conducted on November 28, 2001;

b. Failed to provide a legible ownership sign that is located in plain view of the public, in violation of 30 TEX. ADMIN. CODE § 290.46(t), as documented during an investigation conducted on November 28, 2001;

c. Failed to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(A), as documented during an investigation conducted on November 28, 2001; and

d. Failed to maintain records of annual pressure tank inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on November 28, 2001.

11. As owner and operator of Lake Livingston Estates No. 2 & 3, Lake Livingston is alleged to have:

a. Failed to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on December 19, 2001;

b. Failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 19, 2001; and

c. Failed to provide two or more service pumps having a total capacity of 2 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 December 19, 2001.

12. As owner and operator of Lake Livingston Estates 4 & 5, Lake Livingston is alleged to have:

a. Failed to equip the ground storage tank at Plant #2 with a proper hinged flap valve, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3) and Order, Docket No. 31328-S, as documented during an investigation conducted on November 29, 2001;

b. Failed to repair the cracked concrete sealing block on well number one, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J), as documented during an investigation conducted on November 29, 2001;

c. Failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 29, 2001; and

d. Failed to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(A), as documented during an investigation conducted on November 29, 2001.

13. As owner and operator of Lake Run-A-Muck, Lake Livingston is alleged to have:

a. Failed to properly locate the inlet and outlet connections so as to prevent short circuiting or stagnation of water within the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(5), as documented during an investigation conducted on January 8, 2002; and

b. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c) and Agreed Order, Docket No. 31328-S, as documented during an investigation conducted on January 8, 2002.

14. As owner and operator of Lake Tejas, Lake Livingston is alleged to have:

a. Failed to take the proper number of raw water samples in May 2001, in violation of 30 TEX. ADMIN. CODE § 290.46(b) and TEX. HEALTH & SAFETY CODE § 341.033(c), as documented during an investigation conducted on January 7, 2002; and

b. Failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 7, 2002.

15. As owner and operator of Northwoods, Lake Livingston is alleged to have:

a. Failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 20, 2001;

b. Failed to properly locate the inlet and outlet connections so as to prevent short circuiting or stagnation of water within the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(5), as documented during an investigation conducted on December 20, 2001; and

c. Failed to provide a class C certified operator, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on December 20, 2001.

16. As owner and operator of Nugents Cove Water System, Lake Livingston is alleged to have:

    a. Failed to collect all routine bacteriological samples at active service connections which are representative of water throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A), as documented during an investigation conducted on January 3, 2002;

    b. Failed to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on January 3, 2002;

    c. Failed to ensure that the ground storage tank vent is designed to prevent possible entry of dust, birds, insects or any contaminants, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1), as documented during an investigation conducted on January 3, 2002;

    d. Failed to properly locate the inlet and outlet connections on the ground storage tank so as to prevent short circuiting or stagnation of water within the tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(5), as documented during an investigation conducted on January 3, 2002;

    e. Failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 3, 2002;

    f. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 3, 2002;

    g. Failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 3, 2002; and

    h. Failed to maintain records of annual pressure tank inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on January 3, 2002.

17. As owner and operator of Oakridge Water System, Lake Livingston is alleged to have:

    a. Failed to provide a class C certified operator, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on December 6, 2001;

    b. Failed to collect all routine bacteriological samples at active service connections which are representative of water throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A), as documented during an investigation conducted on December 6, 2001;

c. Failed to provide a proper purchase water contract, in violation of 30 TEX. ADMIN. CODE § 290.45(f), as documented during an investigation conducted on December 6, 2001;

d. Failed to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on December 6, 2001;

e. Failed to lock the roof hatch on the 0.036 MG Oakridge ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during an investigation conducted on December 6, 2001;

f. Failed to properly locate the inlet and outlet connections on the 0.012 MG Oakridge ground storage tank so as to prevent short circuiting or stagnation of water within the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(5), as documented during an investigation conducted on December 6, 2001;

g. Failed to maintain the drain of the ground storage tank so that it is not subject to submergence, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(7), as documented during an investigation conducted on December 6, 2001;

h. Failed to equip the pressure tank at the Timber Bay Subdivision with a site glass, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3), as documented during an investigation conducted on December 6, 2001;

i. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 6, 2001;

j. Failed to provide two or more service pumps that have a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 6, 2001; and

k. Failed to provide a pressure tank capacity of 20 gallons per connection at the Oakridge plant, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 6, 2001.

18. As owner and operator of Paradise Acres, Lake Livingston is alleged to have:

a. Failed to provide a class C certified operator, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on December 6, 2001;

b. Failed to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on December 6, 2001;

c. Failed to provide the 0.068 MG ground storage tank at Paradise Acres with a properly designed overflow pipe which is equipped with a hinged flap valve, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on December 6, 2001; and

d. Failed to provide a service pump capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 6, 2001.

19. As owner and operator of Pine Shadows Water System, Lake Livingston is alleged to have:

a. Failed to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on January 3, 2002;

b. Failed to properly locate the inlet and outlet connections on ground storage tank so as to prevent short circuiting or stagnation of water, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(5), as documented during an investigation conducted on January 3, 2002;

c. Failed to provide two or more service pumps that have a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 3, 2002;

d. Failed to provide a pressure tank capacity of 20 gallons per connection at the Indian Hill Estates booster station, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 3, 2002; and

e. Failed to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area when the system has reached 85% of its capacity, in violation of 30 TEX. ADMIN. CODE § 291.93(3), as documented during an investigation conducted on January 3, 2002.

20. As owner and operator of Point Lookout Estates, Lake Livingston is alleged to have:

a. Failed to provide a class C certified operator, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(1)(A) [now § 290.46(e)(4)(B)] and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on December 4, 2001;

b. Failed to collect all routine bacteriological samples at active service connections which are representative of water throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A), as documented during an investigation conducted on December 4, 2001;

c. Failed to consistently conduct chlorine residual tests once every seven days throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(A), as documented during an investigation conducted on December 4, 2001;

d. Failed to provide the ground storage tank with a properly designed overflow pipe which is equipped with a hinged flap valve, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on December 4, 2001;

e. Failed to properly complete the tank inspections for the 0.024 MG ground storage tank and the 0.001 MG and 0.003 MG pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on December 4, 2001;

f. Failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 4, 2001; and

g. Failed to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area when the system has reached 85% of its capacity, in violation of 30 TEX. ADMIN. CODE § 291.93(3), as documented during an investigation conducted on December 4, 2001.

21. As owner and operator of Riverview Terrace Water System, Lake Livingston is alleged to have:

a. Failed to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on December 20, 2001; and

b. Failed to provide a well capacity of 1.5 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 20, 2001.

22. As owner and operator of Weavers Cove Water System, Lake Livingston is alleged to have:

a. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 19, 2001;

b. Failed to provide two or more service pumps that have a total capacity of 2.0 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 December 19, 2001; and

c. Failed to provide a pressure tank capacity of 50 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 19, 2001.

23. As owner and operator of Wiggins Village #2, Lake Livingston is alleged to have:

a. Failed to adhere to the Facility's site sampling plan by not rotating sample sites for daily chlorine residual tests, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(A), as documented during an investigation conducted on November 29, 2001;

b. Failed to provide an 18" well casing on wells 1 and 3, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B), as documented during an investigation conducted on November 29, 2001; and

c. Failed to provide a proper concrete sealing block for well 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J) and Order, Docket No. 31328-S, as documented during an investigation conducted on November 29, 2001.

24. As owner and operator of Wild Bird Country Water System, Lake Livingston is alleged to have:

a. Failed to provide a well capacity of 1.5 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 20, 2001;

b. Failed to provide a pressure tank capacity of 50 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 20, 2001; and

c. Failed to provide intruder-resistant fences to exclude possible contamination or damage to the facilities by trespassers, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on December 20, 2001.

25. As owner and operator of Wilson Lake Estates Water Supply, Lake Livingston is alleged to have:

a. Failed to maintain records of annual pressure tank inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on November 28, 2001; and

b. Failed to provide a service pump capacity of 2.0 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 November 28, 2001.

III. DENIALS

Lake Livingston generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Lake Livingston pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Lake Livingston'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: Lake Livingston Water Supply and Sewer Service Corporation, Docket No. 2003-0639-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 Lake Livingston shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order:

      i. Conduct a feasibility investigation at Crystal Lakes which will evaluate alternate water sources and viable treatment technologies to correct the gross alpha and combined radium violations. The investigation is to be repeated at three year intervals as long as the violation exists. Within one year after the determination by either the Commission or Lake Livingston of a viable treatment option or the availability of an alternate source of supply, Lake Livingston agrees to provide water to its customers which meets the Commission's chemical quality standards. Lake Livingston shall submit a written report of the feasibility investigation to:

         Drinking Water Quality Team, Public Drinking Water Section
         Water Permits & Resource Management Division, MC 155
         Texas Commission on Environmental Quality
         P.O. Box 13087
         Austin, Texas 78711-3087

      ii. Provide wells 1 and 3 at Wiggins Village #2 with a casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface, in accordance with 30 TEX. ADMIN. CODE § 290.41(c)(3)(B); and

      iii. Install a concrete sealing block compliant with 30 TEX. ADMIN. CODE § 290.41(c)(3)(J) around well 1 at Wiggins Village #2.

b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions 2.a.i. through 2.a.iii.;

c. Within 60 days after the effective date of this Agreed Order:

i. Provide the minimum capacity requirements at Bass Bay/Indian Hills #1, Big Thicket Retreat, Country Sunrise, Crystal Lakes, Impala Woods, Lake Tejas, Northwoods, Nugents Cove Water System, Point Lookout Estates, Riverview Terrace Water System, Weavers Cove Water System, Wild Bird Country Water System, and Wilson Lake Estates Water Supply, as required by 30 TEX. ADMIN. CODE § 290.45;

ii. For Beech Creek Village, submit a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certified area, as required by 30 TEX. ADMIN. CODE § 291.93(3); and

iii. Plug and seal the abandoned wells at Holiday Shores No. 4, as required by 30 TEX. ADMIN. CODE § 290.46(u).

d. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions 2.c.i. through 2.c.iii.;

e. Within 180 days after the effective date of this Agreed Order, provide a proper purchase water contract for Oakridge Water System, as required by 30 TEX. ADMIN. CODE § 290.45(f);

f. Within 360 days after the effective date of this Agreed Order, provide the minimum capacity requirements at Beech Creek Village, Indian Hills #2, Lake Livingston Estates No. 2 & 3, and Pine Shadows Water System as required by 30 TEX. ADMIN. CODE § 290.45;

g. Within 375 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions 2.f.; and

h. Submit all correspondence, reports, and documentation required by these Ordering Provisions to:

Work Leader
Team 5, Section III
Enforcement Division, MC 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Ms. Heather Ross, 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 Lake Livingston. Lake Livingston is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities 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 Lake Livingston shall be made in writing to the Executive Director. Extensions are not effective until Lake Livingston 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 Lake Livingston 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 Lake Livingston, or three days after the date on which the Commission mails notice of the Order to Lake Livingston, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

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, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Doyle Lee LaGow
Signature

2/15/05
Date

Doyle LaGow
Name (Printed or typed)
Authorized Representative of
Lake Livingston Water Supply and Sewer Service Corporation

President of Board of Directors
Title

H Bergeron Perlen
For the Executive Director

4/17/06
Date

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.