EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1686-PWS-E **TCEQ ID:** RN101285757 **CASE NO.:** 31218

RESPONDENT NAME: Lake Somerville Marina and Campground Incorporated

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: Lake Somerville Marina, 505 Marina Drive, Washington County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: __X__ Yes ____ 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 March 19, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Enforcement Division, Enforcement Section I, MC R-13, (210) 403-4033; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Mr. Richard Monreal, Waco Regional Office, MC R-09, (254) 761-3024

Respondent: Ms. Sherri Carver, Registered Agent, Lake Somerville Marina and Campground Incorporated, 7035 River Mill Drive, Spring, Texas 77379-4723
Mr. Solon Carver, President, Lake Somerville Marina and Campground Incorporated, 7035 River Mill Drive, Spring, Texas 77379-4723

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** August 10, 2006 **Date of NOE Relating to this Case:** August 23, 2006 (NOE) **Background Facts:** This was a routine investigation. Nine violations were documented. **WATER** 1) Failed to meet to meet the minimum well capacity requirement of 1.0 gallon per minute ("gpm") per unit [30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 2) Failed to provide a pressure tank capacity of at least 10 gallons per unit [30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 3) Failed to maintain water works operation and maintenance records and make those records available to Commission personnel for review at the time of inspection [30 TEX. ADMIN. CODE § 290.46(f)(2)]. 4) Failed to compile and maintain a Facility operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.46(l)]. 5) Failed to maintain an up-to-date chemical and microbiological monitoring plan for the distribution system that identifies all locations where routine sampling for microbial contaminants will be conducted [30 TEX. ADMIN. CODE § 290.121(a) and (b)].	**Total Assessed:** $2000 **Total Deferred:** $400 _X_ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $1,600 **Site Compliance History Classification:** __ High __ Avg. __ Poor **Person Compliance History Classification:** __ High __ Avg. __ Poor **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that Lake Somerville has implemented the following corrective measures at the Facility: a. Began maintaining water works operation and maintenance records, as documented in a letter dated September 15, 2006; b. Began compiling an up-to-date and thorough facility operations manual for operator review and reference, as documented in a letter dated September 15, 2006; c. Began maintaining an up-to-date chemical and microbiological monitoring plan, as documented in a letter dated September 15, 2006; d. Began performing the annual pressure tank inspection, as documented in a letter dated September 15, 2006; e. Installed the pressure tank release device, as documented in the photo submitted on September 22, 2006; and f. Provided a lockable building designed to prevent intruder access to the well, as documented in the photo submitted on September 22, 2006. **Ordering Provisions:** 2) The Order will require the Respondent to: a. Within 60 days after the effective date of this Agreed Order, obtain a sanitary control easement or Commission approval of an exception to the easement requirement that covers the land within 150 feet of the well located at the Facility; b. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.;

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
6) Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)]. 7) Failed to conduct an annual inspection of the water system's pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)]. 8) Failed to provide the pressure tank with a pressure release device [30 TEX. ADMIN. CODE § 290.43(d)(2)]. 9) Failed to protect all water wells in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].		c. Within 90 days after the effective date of this Agreed Order: i. Provide a well capacity of 1.0 gpm per unit at the Facility; ii. Provide a pressure tank capacity of ten gallons per unit at the Facility; and d. Within 105 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES **Assigned** 28-Aug-2006
PCW 15-Sep-2006 **Screening** 15-Sep-2006 **EPA Due**

RESPONDENT/FACILITY INFORMATION

Respondent Lake Somerville Marina and Campground Incorporated
Reg. Ent. Ref. No. RN101285757
Facility/Site Region 9-Waco **Major/Minor Source** Minor Source

CASE INFORMATION

Enf./Case ID No. 31218 **No. of Violations** 7
Docket No. 2006-1686-PWS-E **Order Type** 1660
Media Program(s) Public Water Supply **Enf. Coordinator** Epifanio Villarreal
Multi-Media **EC's Team** Enforcement Team 2
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 change due to no previous compliance history.

Culpability No 0% Enhancement ***Subtotal 4*** $0

Notes: The respondent does not meet culpability criteria.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	*(mark with a small x)*

Notes: The respondent does not meet the good faith criteria.

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

**Capped at the Total EB $ Amount*

Total EB Amounts $333
Approx. Cost of Compliance $5,900

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 20% Reduction **Adjustment** -$400

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $1,600

Screening Date 15-Sep-2006 **Docket No.** 2006-1686-PWS-E **PCW**
Respondent Lake Somerville Marina and Campground Incorporated *Policy Revision 2 (September 2002)*
Case ID No. 31218 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101285757
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

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*	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 <

Adjustment Percentage (Subtotal 3) **0%**

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

N/A <

Adjustment Percentage (Subtotal 7) **0%**

>> **Compliance History Summary**

Compliance History Notes No change due to no previous compliance history.

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

Screening Date 15-Sep-2006 **Docket No.** 2006-1686-PWS-E **PCW**

Respondent Lake Somerville Marina and Campground Incorporated *Policy Revision 2 (September 2002)*

Case ID No. 31218 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101285757

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.45(c)(1)(A)(i)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 341.0315(c)
Violation Description	Failed to meet the minimum well capacity requirement of 1.0 gallon per minute ("gpm") per unit. Specifically, the water system has 77 units and is currently providing 8 gpm, which is approximately 90% deficient.

Base Penalty $1,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Without sufficient well capacity, customers of the water supply could possibly experience water outages and the system's ability to provide a safe and adequate water supply could be impaired.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $500

Two monthly events are recommended from the date of the investigation, August 10, 2006 to the date of screening, September 15, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $125

Statutory Limit Test

Violation Final Penalty Total $500

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

Economic Benefit Worksheet

Respondent Lake Somerville Marina and Campground Incorporated
Case ID No. 31218
Reg. Ent. Reference No. RN101285757
Media [Statute] Public Water Supply
Violation No. 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)	$2,000	10-Aug-2006	01-Jul-2007	0.9	$6	$119	$125
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 The delayed costs includes the amount to meet the minimum well capacity requirement of 1.0 gpm per unit, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $2,000

TOTAL $125

Screening Date 15-Sep-2006 **Docket No.** 2006-1686-PWS-E **PCW**

Respondent Lake Somerville Marina and Campground Incorporated *Policy Revision 2 (September 2002)*

Case ID No. 31218 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101285757

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.45(c)(1)(A)(ii)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a pressure tank capacity of at least 10 gallons per unit. Specifically, the water system has 77 units which should provide a minimum pressure tank capacity of 770 gallons but is only providing 220 gallons, which is 72% deficient.

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

Percent

Matrix Notes: Without sufficient tank capacity, customers of the water supply could possibly experience water outages and the system's ability to provide a safe and adequate water supply could be impaired.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 2

mark only one use a small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $500

Two monthly events are recommended from the date of the investigation, August 10, 2006 to the date of screening, September 15, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $62

Statutory Limit Test

Violation Final Penalty Total $500

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

Economic Benefit Worksheet

Respondent Lake Somerville Marina and Campground Incorporated
Case ID No. 31218
Reg. Ent. Reference No. RN101285757
Media [Statute] Public Water Supply
Violation No. 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)	$1,000	10-Aug-2006	01-Jul-2007	0.9	$3	$59	$62
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	The delayed costs includes the amount to increase well production to at least 10 gpm per unit, calculated from the date of the investigation to the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

TOTAL $62

Screening Date 15-Sep-2006 **Docket No.** 2006-1686-PWS-E **PCW**

Respondent Lake Somerville Marina and Campground Incorporated *Policy Revision 2 (September 2002)*

Case ID No. 31218 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101285757

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(f)(2), 290.42(l), 290.121(a) and (b)

Secondary Rule Cite(s)

Violation Description Failed to maintain water works operation and maintenance records, failed to compile and maintain a facility operations manual for operator review and reference, and failed to maintain an up-to-date chemical and microbiological monitoring plan for the distribution system that identifies all locations where routine sampling for microbial contaminants will be conducted. Specifically, the respondent failed to provide records demonstrating verification of ANSI/NSF Standard 60 for the Liquichlor disinfectant, a well drillers log, a facility operations manual, and a microbiological operating plan, during the investigation conducted on August 10, 2006.

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
	x		

Percent 10%

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

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $3

Statutory Limit Test

Violation Final Penalty Total $100

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

Economic Benefit Worksheet

Respondent Lake Somerville Marina and Campground Incorporated
Case ID No. 31218
Reg. Ent. Reference No. RN101285757
Media [Statute] Public Water Supply
Violation No. 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	$600	10-Aug-2006	15-Sep-2006	0.1	$3	n/a	$3
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 The delayed costs include the amount required to maintain monthly operation records, calculated from the date of the investigation to the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $600

TOTAL $3

Screening Date 15-Sep-2006 **Docket No.** 2006-1686-PWS-E **PCW**

Respondent Lake Somerville Marina and Campground Incorporated *Policy Revision 2 (September 2002)*

Case ID No. 31218 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101285757

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

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

Secondary Rule Cite(s)

Violation Description Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the well.

Base Penalty $1,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Without a sanitary control easement for the well, contaminants could enter the well and customers of the water supply could be exposed to an insignificant amount of contaminants that do not exceed levels protective of human health.

Adjustment -$950

Base Penalty Subtotal $50

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $11

Statutory Limit Test

Violation Final Penalty Total $50

This violation Final Assessed Penalty (adjusted for limits) $50

Economic Benefit Worksheet

Respondent Lake Somerville Marina and Campground Incorporated
Case ID No. 31218
Reg. Ent. Reference No. RN101285757
Media [Statute] Public Water Supply
Violation No. 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)	$200	10-Aug-2006	01-Jun-2007	0.8	$1	$11	$11
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 The delayed costs include the amount to obtain a sanitary control easement or exceptions to the easement requirement, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $200

TOTAL $11

Screening Date 15-Sep-2006 **Docket No.** 2006-1686-PWS-E **PCW**

Respondent Lake Somerville Marina and Campground Incorporated *Policy Revision 2 (September 2002)*

Case ID No. 31218 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101285757

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number	5
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)
Secondary Rule Cite(s)	
Violation Description	Failed to conduct an annual inspection of the water system's pressure 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

Percent

Matrix Notes: Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination that would exceed levels that are protective of human health and environmental receptors.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $250

One annual event is recommended for the annual inspection that was not performed, as documented during the August 10, 2006 investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $115

Statutory Limit Test

Violation Final Penalty Total $250

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

Economic Benefit Worksheet

Respondent Lake Somerville Marina and Campground Incorporated
Case ID No. 31218
Reg. Ent. Reference No. RN101285757
Media [Statute] Public Water Supply
Violation No. 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							
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	$100	10-Aug-2005	15-Sep-2006	1.1	$5	$110	$115
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The avoided costs includes the amount to conduct an annual inspection on the water system's pressure tank, calculated from the date of the investigation to the date of compliance.						

Approx. Cost of Compliance $100

TOTAL $115

Screening Date 15-Sep-2006 **Docket No.** 2006-1686-PWS-E **PCW**

Respondent Lake Somerville Marina and Campground Incorporated *Policy Revision 2 (September 2002)*

Case ID No. 31218 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101285757

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code 290.43(d)(2)

Secondary Rule Cite(s)

Violation Description Failed to provide the pressure tank with a pressure release device.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Without a pressure release device, the pressure tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination at levels that are protective of human health and environmental receptors.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

One quarterly event is recommended from the date of the investigation, August 10, 2006 to the date of screening, September 15, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $100

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

Economic Benefit Worksheet

Respondent Lake Somerville Marina and Campground Incorporated
Case ID No. 31218
Reg. Ent. Reference No. RN101285757
Media [Statute] Public Water Supply
Violation No. 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)	$500	10-Aug-2006	22-Sep-2006	0.1	$0	$4	$4
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 The delayed costs include the amount to install a pressure release device, calculated from the date of the investigation to the date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $500

TOTAL $4

Screening Date 15-Sep-2006 **Docket No.** 2006-1686-PWS-E **PCW**

Respondent Lake Somerville Marina and Campground Incorporated *Policy Revision 2 (September 2002)*

Case ID No. 31218 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101285757

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

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

Secondary Rule Cite(s)

Violation Description Failed to protect all water wells in a lockable building that is designed to prevent intruder access or enclosed by an intruder resistant fence with lockable gates. Specifically, at the time of the investigation, the well was not protected by an intruder-resistant fence or a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers.

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

Percent

Matrix Notes: Not providing proper intruder-resistant protection for the water well could expose the public to a significant amount of pollutants which would exceed levels that are protective of human health or the environment.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 2

mark only one use a small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $500

Two monthly events are recommended based on the investigation conducted on August 10, 2006 to the date of screening, September 15, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $12

Statutory Limit Test

Violation Final Penalty Total $500

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

Economic Benefit Worksheet

Respondent Lake Somerville Marina and Campground Incorporated
Case ID No. 31218
Reg. Ent. Reference No. RN101285757
Media [Statute] Public Water Supply
Violation No. 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)	$1,500	10-Aug-2006	22-Sep-2006	0.1	$1	$12	$12
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 build the intruder-resistant fence. The date required is the date of the investigation August 10, 2006. The final date is the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $1,500

TOTAL $12

Compliance History

Customer/Respondent/Owner-Operator:	CN603108606	Lake Somerville Marina and Campground Incorporated	Classification:	Rating:
Regulated Entity:	RN101285757	LAKE SOMERVILLE MARINA	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	2390014
Location:	505 MARINA DR, SOMERVILLE, TX, 77879			

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: December 01, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 16, 2001 to October 16, 2006

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

Name: Epifanio Villarreal Phone: 210-403-4033

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?	Yes
3. If Yes, who is the current owner?	Lake Somerville Marina and Campground Incorporated
4. if Yes, who was/were the prior owner(s)?	LYTLE, ALLAN R
5. When did the change(s) in ownership occur?	9/1/2002

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

08/23/2006 (489063)

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

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	§	**TEXAS COMMISSION ON**
LAKE SOMERVILLE MARINA AND	§	
CAMPGROUND INCORPORATED	§	
RN101285757	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1686-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 Somerville Marina and Campground Incorporated ("Lake Somerville") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Lake Somerville appear before the Commission and together stipulate that:

1. Lake Somerville owns and operates a public water supply at 505 Marina Drive in Washington County, Texas (the "Facility") that has approximately 77 service connections and serves at least 25 people per day for at least 60 days per year.

2. The Commission and Lake Somerville agree that the Commission has jurisdiction to enter this Agreed Order, and that Lake Somerville is subject to the Commission's jurisdiction.

3. Lake Somerville received notice of the violations alleged in Section II ("Allegations") on or about August 28, 2006.

4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Lake Somerville of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of Two Thousand Dollars ($2,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Lake Somerville has paid One Thousand Six Hundred Dollars ($1,600) of the administrative penalty and Four Hundred Dollars ($400) is deferred contingent upon Lake Somerville'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 Somerville fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Lake Somerville to pay all or part of the deferred penalty.

6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

7. The Executive Director of the TCEQ and Lake Somerville have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

8. The Executive Director recognizes that Lake Somerville has implemented the following corrective measures at the Facility:

   a. Began maintaining water works operation and maintenance records, as documented in a letter dated September 15, 2006;

   b. Began compiling an up-to-date and thorough facility operations manual for operator review and reference, as documented in a letter dated September 15, 2006;

   c. Began maintaining an up-to-date chemical and microbiological monitoring plan, as documented in a letter dated September 15, 2006;

   d. Began performing the annual pressure tank inspection, as documented in a letter dated September 15, 2006;

   e. Installed the pressure tank release device, as documented in the photo submitted on September 22, 2006; and

   f. Provided a lockable building designed to prevent intruder access to the well, as documented in the photo submitted on September 22, 2006.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Lake Somerville has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

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

II. ALLEGATIONS

As owner and operator of the Facility, Lake Somerville is alleged to have:

1. Failed to meet to meet the minimum well capacity requirement of 1.0 gallon per minute ("gpm") per unit, in violation of 30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on August 10, 2006.

2. Failed to provide a pressure tank capacity of at least 10 gallons per unit, in violation of 30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on August 10, 2006.

3. Failed to maintain water works operation and maintenance records and make those records available to Commission personnel for review at the time of inspection, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on August 10, 2006.

4. Failed to compile and maintain a Facility operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.46(l), as documented during an investigation conducted on August 10, 2006.

5. Failed to maintain an up-to-date chemical and microbiological monitoring plan for the distribution system that identifies all locations where routine sampling for microbial contaminants will be conducted, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during an investigation conducted on August 10, 2006.

6. Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on August 10, 2006.

7. Failed to conduct an annual inspection of the water system's pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1), as documented during an investigation conducted on August 10, 2006.

8. Failed to provide the pressure tank with a pressure release device, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2), as documented during an investigation conducted on August 10, 2006.

9. Failed to protect all water wells in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on August 10, 2006.

III. DENIALS

Lake Somerville generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Lake Somerville pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Lake Somerville'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 Somerville Marina and Campground Incorporated, Docket No. 2006-1686-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 Somerville shall undertake the following technical requirements:

a. Within 60 days after the effective date of this Agreed Order, obtain a sanitary control easement or Commission approval of an exception to the easement requirement that covers the land within 150 feet of the well located at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.41;

b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.d., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.;

c. Within 90 days after the effective date of this Agreed Order:

i. Provide a well capacity of 1.0 gpm per unit at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45;

ii. Provide a pressure tank capacity of ten gallons per unit at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45; and

d. Within 105 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c. The written certification of compliance shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon Lake Somerville. Lake Somerville is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Lake Somerville shall be made in writing to the Executive Director. Extensions are not effective until Lake Somerville 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 Somerville 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 Somerville, or three days after the date on which the Commission mails notice of the Order to Lake Somerville, 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

_____ 3/20/07
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that 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.

Solon Carver 12/13/06
Signature Date

SOLON CARVER President
Name (Printed or typed) Title
Authorized Representative of
Lake Somerville Marina and Campground Incorporated

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.