

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0644-PWS-E **TCEQ ID:** RN101269926 **CASE NO.:** 33233

RESPONDENT NAME: Live Oak Resort, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Live Oak Resort, 97510 Lone Star Road, Washington, Washington County</p> <p>TYPE OF OPERATION: Recreational resort with a public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 22, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 1, MC R-13, (210) 403-4012; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Larry Hilderbrand, President/Registered Agent, Live Oak Resort, Inc., 97510 Lone Star Road, Washington, Texas 77880 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 26, 2007</p> <p>Date of NOV/NOE Relating to this Case: April 5, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. Eleven violations were documented.</p> <p>WATER</p> <p>1) Failed to obtain a sanitary control easement covering all property within 150 feet of the well or an exception to the easement requirement that is approved by the Commission for Well 1 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>2) Failed to maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>3) Failed to provide an intruder-resistant fence around Wells 1 and 2 [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>4) Failed to compile a thorough plant operations manual and keep it up-to-date for operator review and reference [30 TEX. ADMIN. CODE § 290.42(I)].</p> <p>5) Failed to provide well completion data for Wells 1 and 2 [30 TEX. ADMIN. CODE § 290.46(n)(3)].</p> <p>6) Failed to conduct an annual inspection of the two 110 gallon pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)].</p> <p>7) Failed to provide a map of the distribution system to help locate valves and mains in the event of an emergency [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p>	<p>Total Assessed: \$2,572</p> <p>Total Deferred: \$514 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,058</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has completed the following corrective measures at the Facility:</p> <p>i. On May 8, 2007, the Respondent:</p> <p>a. Installed raw water sample taps prior to treatment for Wells 1 and 2;</p> <p>b. Properly sealed the wellhead for Well 1 and</p> <p>c. Began operating the water system to provide a minimum pressure of 35 psi with flow rates of at least 1.5 gpm per connection throughout the distribution system.</p> <p>ii. On June 17, 2007, the Respondent began monitoring the chlorine residual at representative locations throughout the distribution system at least once every seven days.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>ii. Compile and begin maintaining a plant operations manual;</p> <p>iii. Conduct an inspection of the two 110 gallon pressure tanks; and</p> <p>iv. Provide a map of the distribution system.</p> <p>b. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification as described below in Ordering Provision 2.c. below, that demonstrates compliance with Ordering Provision 2.a.;</p>

<p>8) Failed to provide raw water sampling taps prior to treatment for Wells 1 and 2 [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</p> <p>9) Failed to properly seal the wellhead on Well 1 [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p>10) Failed to design, maintain, and operate the water system to provide a minimum pressure of 35 pounds per square inch ("psi") at flow rates of at least 1.5 gallons per minute ("gpm") per connection throughout the distribution system under normal operating conditions[30 TEX. ADMIN. CODE § 290.44(d)].</p> <p>11) Failed to monitor the chlorine residual at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)].</p>		<p>ii. Secure a sanitary control easement or obtain an exception to the easement requirement that is approved by the Commission for all property within 150 feet of Well 1;</p> <p>iii. Provide an intruder-resistant fence around Wells 1 and 2; and</p> <p>iv. Provide well completion data for Wells 1 and 2, including but not limited to, well material setting data, a geological log, sealing information, disinfection information, microbiological sample results, and a chemical analysis report.</p> <p>c. 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.b.</p>
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Additional ID No(s): PWS ID No. 2390050



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

DATES

Assigned PCW	16-Apr-2007	Screening	17-Apr-2007	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	Live Oak Resort, Inc.		
Reg. Ent. Ref. No.	RN101269926		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33233	No. of Violations	11
Docket No.	2007-0644-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply Reduction Subtotal 5

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

Notes

0% Enhancement* Subtotal 6
 Total EB Amounts **Capped at the Total EB \$ Amount*
 Approx. Cost of Compliance

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to one previous Notice of Violation ("NOV") with violations the same as those in the current enforcement case.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

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

Violation Description Failed to obtain a sanitary control easement covering all property within 150 feet of the well or an exception to the easement requirement that is approved by the Commission for Well 1.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (5%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%). Includes Matrix Notes: Failure to provide sanitary control easements could expose water being supplied for human consumption to insignificant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 22

Table for frequency: daily, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
Case ID No. 33233
Reg. Ent. Reference No. RN101269926
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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
Trailng/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	24-Aug-2006	17-Dec-2007	1.3	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to provide a sanitary control easement. Date required is the date of the initial investigation. Final date is 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

\$100

TOTAL

\$7

Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a)

Violation Description Failed to maintain an up-to-date chemical and microbiological monitoring plan.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 22

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
Case ID No. 33233
Reg. Ent. Reference No. RN101269926
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	24-Aug-2006	17-Nov-2007	1.2	\$31	n/a	\$31
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 create and maintain a chemical and microbiological monitoring plan. Date required is the date of the initial investigation. Final date is 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

\$500

TOTAL

\$31

Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

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

Violation Description Failed to provide an intruder-resistant fence around Wells 1 and 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

		Harm			
Release		Major	Moderate	Minor	
Actual					Percent 25%
Potential	x				

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification					Percent 0%

Matrix Notes

Failure to properly secure the well sites could expose water being supplied for human consumption to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 22 Number of violation days

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

Violation Base Penalty \$500

Two single events are recommended -- one event per well.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$276

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
Case ID No. 33233
Reg. Ent. Reference No. RN101269926
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$3,000	24-Aug-2006	17-Dec-2007	1.3	\$13	\$263	\$276
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 construct two intruder resistant fences. Date required is the date of the initial investigation. Final date is 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	\$3,000	TOTAL	\$276
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Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.42(I)

Violation Description Failed to compile a thorough plant operations manual and keep it up-to-date for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

22 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
Case ID No. 33233
Reg. Ent. Reference No. RN101269926
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	24-Aug-2006	17-Nov-2007	1.2	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to create a plant operations manual. Date required is the date of the initial investigation. Final date is 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

\$100

TOTAL

\$6

Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(3)

Violation Description Failed to provide well completion data. Specifically, at the time of the investigation, a copy of the well driller's log containing well material setting data, a geological log, sealing information, disinfection information, microbiological sample results, and a chemical analysis report could not be made available for Wells 1 and 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (5%). Matrix Notes: Approximately 33% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 Number of violation days 22

Table for frequency: daily, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$100

Two single events are recommended -- one event per well.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
Case ID No. 33233
Reg. Ent. Reference No. RN101269926
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				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)	\$400	24-Aug-2006	17-Dec-2007	1.3	\$26	n/a	\$26

Notes for DELAYED costs

Estimated cost to obtain and submit the required well completion data for Wells 1 and 2. Date required is the date of the initial investigation. Final date is 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

\$400

TOTAL

\$26

Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)

Violation Description Failed to conduct an annual inspection of the two 110 gallon pressure tanks. Specifically, at the time of the investigation, the two pressure tanks had not been inspected in the previous twelve months.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

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 which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 Number of violation days 365

Table with frequency options: daily, monthly, quarterly, semiannual, annual (marked with x), single event.

Violation Base Penalty \$500

Two annual events are recommended -- one event per pressure tank.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$219

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
Case ID No. 33233
Reg. Ent. Reference No. RN101269926
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

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

Notes for DELAYED costs

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]	\$200	26-Mar-2006	26-Mar-2007	1.9	\$19	\$200	\$219
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to conduct an annual inspection of the two 110 gallon pressure tanks, calculated for the year prior to the record review date.

Approx. Cost of Compliance

\$200

TOTAL

\$219

Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)

Violation Description Failed to provide a map of the distribution system to help locate valves and mains in the event of an emergency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		x		5%

Matrix Notes

Approximately 33% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

1 22 Number of violation days

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

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
Case ID No. 33233
Reg. Ent. Reference No. RN101269926
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	24-Aug-2006	17-Nov-2007	1.2	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to survey, prepare and submit a distribution map. Date required is the date of the initial investigation. Final date is 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

\$12

Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

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

Violation Description Failed to provide raw water sampling taps prior to treatment for Wells 1 and 2. Specifically, at the time of the investigation, Wells 1 and 2 did not have sampling taps prior to the sodium hypochlorite injection point.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to have sampling taps prior to treatment may allow contaminants to go undected and expose customers of the water supply to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

2 22 Number of violation days

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$500

Two monthly events are recommended (one event per well), calculated from the March 26, 2007 record review date, to the April 17, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
Case ID No. 33233
Reg. Ent. Reference No. RN101269926
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<i>No commas or \$</i>							
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)	\$200	24-Aug-2006	8-May-2007	0.7	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to provide a sampling tap on Wells 1 and 2. Date required is the initial investigation date. 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

\$200

TOTAL

\$7

Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 9

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

Violation Description Failed to properly seal the wellhead on Well 1. Specifically, at the time of the investigation, the wellhead had an opening for electrical wiring that was not sealed.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes Failure to seal the wellhead could allow contaminants to enter the well, exposing customers of the water supply to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 22

Frequency selection table with options: daily, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$250

One monthly event is recommended from the March 26, 2007 record review date, to the April 17, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$262

This violation Final Assessed Penalty (adjusted for limits) \$262

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
Case ID No. 33233
Reg. Ent. Reference No. RN101269926
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$100	24-Aug-2006	8-May-2007	0.7	\$0	\$5	\$5
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to properly seal the wellhead. Date required is the initial investigation date. 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	\$100	TOTAL	\$5
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Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
Case ID No. 33233
Reg. Ent. Reference No. RN101269926
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	24-Aug-2006	8-May-2007	0.7	\$35	n/a	\$35

Notes for DELAYED costs

Approximate cost to increase pressure settings. Date required is the date of the initial investigation. 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

\$1,000

TOTAL

\$35

Screening Date 17-Apr-2007

Docket No. 2007-0644-PWS-E

PCW

Respondent Live Oak Resort, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33233

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101269926

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)(A)

Violation Description Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Complete failure to test the chlorine residual could expose water being supplied for human consumption to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

22 Number of violation days

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

Violation Base Penalty \$250

One monthly event is recommended from the March 26, 2007 record review date, to the April 17, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$478

Violation Final Penalty Total \$262

This violation Final Assessed Penalty (adjusted for limits) \$262

Economic Benefit Worksheet

Respondent Live Oak Resort, Inc.
 Case ID No. 33233
 Reg. Ent. Reference No. RN101269926
 Media Public Water Supply
 Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				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	\$560	24-Aug-2006	17-Jun-2007	0.8	\$23	\$456	\$478
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to sample the chlorine residual throughout the distribution system. Date required is the date of the initial investigation. Final date is the date of compliance.

Approx. Cost of Compliance \$560

TOTAL \$478

Compliance History

Customer/Respondent/Owner-Operator:	CN600699789 LIVE OAK RESORT, INC.	Classification: AVERAGE BY DEFAULT	Rating: 3.01
Regulated Entity:	RN101269926 LIVE OAK RESORT, INC.	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WASTEWATER	REGISTRATION PERMIT	2390050 WQ0013864002
Location:	97510 LONE STAR RD, WASHINGTON COUNTY, TEXAS	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	April 16, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 16, 2002 to April 16, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Christopher Miller</u>	Phone:	<u>512-239-6580</u>

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 approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 08/30/2006 | (509767) |
| 2 | 10/11/2006 | (515139) |
| 3 | 02/15/2007 | (538218) |
| 4 | 04/10/2007 | (555052) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|--------------------------|
| Date: | 09/11/2006 | (509767) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) | | |
| Description: | Failure to obtain a sanitary control easement. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.121(a) | | |
| | 30 TAC Chapter 290, SubChapter F 290.121(b)[G] | | |
| Description: | Failure to provide a chemical and microbiological monitoring plan. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A) | | |
| Description: | Failure to monitor the disinfectant residual in the distribution system at least once every seven days. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.38(25) | | |
| | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O) | | |
| Description: | Failure to provide an intruder-resistant fence or a lockable well house to protect the well. | | |

Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.38(25) 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O) 30 TAC Chapter 290, SubChapter D 290.43(e)	
Description:	Failure to provide an intruder-resistant fence to protect the well and the pressure tanks.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)	
Description:	Failure to provide a meter for well No. 2.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)	
Description:	Failure to provide a plant operations manual.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(3)	
Description:	Failure to provide a site glass for the pressure tank.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)	
Description:	Failure to provide water system records that needed to be reviewed at the time of the investigation.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(h)	
Description:	Failure to maintain a supply of calcium hypochlorite disinfectant.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)	
Description:	Failure to inspect the pressure tanks at least annually.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)	
Description:	Failure to provide a distribution system map.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)	
Description:	Failure to provide a raw water sampling tap for well No. 1.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)	
Description:	Failure to provide a raw water sampling tap for well No. 2.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(2)	
Description:	Failure to provide a pressure release device for the pressure tank.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)	
Description:	Failure to properly seal the wellhead for well No. 1.	
Self Report?	NO	Classification Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(d)[G] 30 TAC Chapter 290, SubChapter D 290.46(r)	
Description:	Failure to design and maintain a water distribution system to provide at all times a minimum pressure of 35 pounds per square inch (psi).	

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LIVE OAK RESORT, INC.
RN101269926

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0644-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 Live Oak Resort, Inc. ("Live Oak") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Live Oak appear before the Commission and together stipulate that:

1. Live Oak owns and operates a public water supply at 97510 Lone Star Road in Washington, Washington County, Texas (the "Facility") that has approximately 83 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Live Oak agree that the Commission has jurisdiction to enter this Agreed Order, and that Live Oak is subject to the Commission's jurisdiction.
3. Live Oak received notice of the violations alleged in Section II ("Allegations") on or about April 10, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Live Oak of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Thousand Five Hundred Seventy-Two Dollars (\$2,572) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Live Oak has paid Two Thousand Fifty-Eight Dollars (\$2,058) of the administrative penalty and Five Hundred Fourteen Dollars (\$514) is deferred contingent upon Live Oak'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 Live Oak fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Live Oak 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 Live Oak 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 Live Oak has completed the following corrective measures at the Facility:
 - i. On May 8, 2007, Live Oak:
 - a. Installed raw water sample taps prior to treatment for Wells 1 and 2;
 - b. Properly sealed the wellhead of Well 1; and
 - c. Began operating the water system to provide a minimum pressure of 35 pounds per square inch ("psi") with flow rates of at least 1.5 gallons per minute ("gpm") per connection throughout the distribution system.
 - ii. On June 17, 2007, Live Oak began monitoring the chlorine residual at representative locations throughout the distribution system at least once every seven days.
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 Live Oak 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, Live Oak is alleged to have:

1. Failed to obtain a sanitary control easement covering all property within 150 feet of the well or an exception to the easement requirement that is approved by the Commission for Well 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during a record review conducted on March 26, 2007.
2. Failed to maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during a record review conducted on March 26, 2007.
3. Failed to provide an intruder-resistant fence around Wells 1 and 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during a record review conducted on March 26, 2007.

4. Failed to compile a thorough plant operations manual and keep it up-to-date for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(I), as documented during a record review conducted on March 26, 2007.
5. Failed to provide well completion data for Wells 1 and 2, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3), as documented during a record review conducted on March 26, 2007.
6. Failed to conduct an annual inspection of the two 110 gallon pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1), as documented during a record review conducted on March 26, 2007.
7. Failed to provide a map of the distribution system to help locate valves and mains in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during a record review conducted on March 26, 2007.
8. Failed to provide raw water sampling taps prior to treatment for Wells 1 and 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M), as documented during a record review conducted on March 26, 2007.
9. Failed to properly seal the wellhead on Well 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), as documented during a record review conducted on March 26, 2007.
10. Failed to design, maintain, and operate the water system to provide a minimum pressure of 35 psi at flow rates of at least 1.5 gpm per connection throughout the distribution system under normal operating conditions, in violation of 30 TEX. ADMIN. CODE § 290.44(d), as documented during a record review conducted on March 26, 2007.
11. Failed to monitor the chlorine residual at representative locations in the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(A), as documented during a record review conducted on March 26, 2007.

III. DENIALS

Live Oak generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Live Oak pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Live Oak'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: Live Oak Resort, Inc., Docket No. 2007-0644-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 Live Oak shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order;
 - i. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121;
 - ii. Compile and begin maintaining a plant operations manual, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - iii. Conduct an inspection of the two 110 gallon pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Provide a map of the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 60 days after the effective date of this Agreed Order;
 - i. Submit written certification as described below in Ordering Provision 2.c. below, that demonstrates compliance with Ordering Provision 2.a.;
 - ii. Secure a sanitary control easement or obtain an exception to the easement requirement that is approved by the Commission for all property within 150 feet of Well 1, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - iii. Provide an intruder-resistant fence around Wells 1 and 2, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - iv. Provide well completion data for Wells 1 and 2, including but not limited to, well material setting data, a geological log, sealing information, disinfection information, microbiological sample results, and a chemical analysis report, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those

individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
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 Live Oak . Live Oak 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 Live Oak shall be made in writing to the Executive Director. Extensions are not effective until Live Oak 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 Live Oak 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 Live Oak, or three days after the date on which the Commission mails notice of the Order to Live Oak, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Dear Sir,

I am writing to you regarding the matter of the late Mr. John Doe, who passed away on the 15th of October, 2023. I am the executor of his will and I am writing to you to inform you of the details of the estate and to request your assistance in the matter.

The late Mr. Doe was a resident of the State of New York and was married to Mrs. Jane Doe. They had two children, Mr. Robert Doe and Mrs. Susan Doe. Mr. Doe was a member of the State Bar of New York and was a practicing attorney for many years. He was a very successful businessman and was a member of several professional organizations.

Mr. Doe's will was admitted to probate in the County of New York on the 20th of October, 2023. The will provides that the residue of his estate is to be divided equally among his three children, Mr. Robert Doe, Mrs. Susan Doe, and Mrs. Jane Doe. I am writing to you to request your assistance in the matter of the late Mr. Doe's estate.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sullivan
For the Executive Director

10/27/2007
Date

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

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Larry Hildebrand
Signature

8-10-07
Date

LARRY HILDEBRAND
Name (Printed or typed)
Authorized Representative of
Live Oak Resort, Inc.

Pres.
Title

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

