

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2006-0778-MLM-E TCEQ ID NO.: RN101207108 CASE NO.: 29872
RESPONDENT NAME: ANNA JEFFCOAT DBA LAKESHORE SITES WATER COMPANY**

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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 checked="" 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 checked="" type="checkbox"/> WATER RIGHTS	<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: 792 Jeffcoat Road, Haskell, Haskell County</p> <p>TYPE OF OPERATION: Public water system</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.</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 January 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Pam Campbell, Water Enforcement Section, MC 169, (512) 239-4493 TCEQ Regional Contact: Mr. Cliff Moore, Abilene Regional Office, MC R-3, (325) 698-6115 Respondent: Ms. Anna Jeffcoat, Owner, Lakeshore Sites Water Company, 380 Jeffcoat Road, Haskell, Texas 79521 Respondent's Attorney: Not represented by counsel.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Dates of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: December 27, 2005 and August 7, 2006</p> <p>Dates of NOEs Relating to this Case: July 20, 2006 and August 9, 2006</p> <p>Background Facts:</p> <p>The Respondent operates a water treatment facility and has been diverting water from Lake Stamford for municipal use without a permit. In addition to the Water Rights violations, the Respondent has received violations related to the operation of the Facility, for failure to comply with minimum contaminant levels. The Respondent was served with the EDPRP on September 8, 2007 and has failed to respond.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>MLM:</p> <p>1. Failed to obtain authorization from the TCEQ prior to diverting state water from Lake Stamford [TEX. WATER CODE § 11.081].</p> <p>2. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for trihalomethane ("TTHM"), based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0351(c)].</p> <p>3. Failed to comply with the MCL of 0.060 mg/L for HAA5, based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0351(c)].</p>	<p>Total Assessed: \$14,495</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$14,495</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days, cease diverting water from Lake Stamford and either obtain a water supply contract from the City of Stamford or interconnect to an adjacent public water supply system. 2. Within 45 days, submit copies of documentation necessary to demonstrate compliance with Ordering Provision No. 1. 3. Within 365 days, return to compliance with the running annual average MCL for TTHM and HAA5. 4. Within 380 days, submit copies of documentation necessary to demonstrate compliance with Ordering Provision No. 3.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

DATES	Assigned	16-Oct-2006			
	PCW	12-Dec-2006	Screening	2-Nov-2006	EPA Due 26-Nov-2006

RESPONDENT/FACILITY INFORMATION	
Respondent	Anna Jeffcoat dba Lakeshore Sites Water Company
Reg. Ent. Ref. No.	RN101207108
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	29872	No. of Violations	2
Docket No.	2006-0778-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Pamela Campbell
Multi-Media	Water Rights	EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	49% Enhancement	Subtotal 2, 3, & 7	\$245
--------------------	-----------------	--------------------	-------

Notes: The respondent received nine NOV's for the same or similar violations and received two NOV's for unrelated violations.

Culpability	Yes	25% Enhancement	Subtotal 4	\$125
-------------	-----	-----------------	------------	-------

Notes: The respondent was issued an alert letter for haloacetic acids ("HAA5") exceedances on October 18, 2005.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
-----------------------------	--------------	------------	-----

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

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

	0% Enhancement	Subtotal 6	\$0
--	----------------	------------	-----

Total EB Amounts	\$906	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$870
----------------------	----------------	-------

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	\$870
----------------------	-------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$870
----------------------------	------------------------	-------

DEFERRAL	0% Reduction	Adjustment	\$0
----------	--------------	------------	-----

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$870
-----------------	-------

EXHIBIT

PCW 1

tabbles

Screening Date 2-Nov-2006

Docket No: 2006-0778-MLM-E

PCW

Respondent: Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No: 29872

PCW Revision November 17, 2006

Reg. Ent. Reference No: RN101207108

Media [Statute] Public Water Supply

Ent. Coordinator Pamela Campbell

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)	9	45%
	Other written NOVs	2	4%
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) 49%

>> Repeat Violator (Subtotal 3)

No.

Adjustment Percentage (Subtotal 3) 0%

N/A?

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The respondent received nine NOVs for the same or similar violations and received two NOVs for unrelated violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 49%

Screening Date 2-Nov-2006

Docket No. 2006-0778-MLM-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 29872

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Pamela Campbell

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0351(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for trihalomethane ("TTHM"), based on a running annual average. Specifically, the running annual average for TTHM was 0.124 mg/L for the third quarter of 2005, 0.202 for the fourth quarter of 2005, 0.405 mg/L for the first quarter of 2006, and 0.383 for the second quarter of 2006, as documented during a record review on August 7, 2006.

Base Penalty

\$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent

25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

0%

Matrix Notes

Failure to comply with the MCL for TTHM exposes customers of the water supply to significant amounts of contaminants that do not exceed levels that are protective of human health.

Adjustment

\$750

\$250

Violation Events

Number of Violation Events

1

365

Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty

\$250

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$906

Violation Final Penalty Total

\$435

This violation Final Assessed Penalty (adjusted for limits)

\$435

Economic Benefit Worksheet

Respondent: Anna Jeffcoat dba Lakeshore Sites Water Company

Case ID No: 29872

Reg. Ent. Reference No: RN101207108

Media: Public Water Supply

Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	1-Jul-2005	1-Feb-2008	2.6	\$43	\$863	\$906
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 expense to implement an alternative method of disinfection. Date required is the beginning of the third quarter of 2005 when noncompliance was first reported. Final date is the anticipated date compliance will be achieved.

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

\$5,000

TOTAL

\$906

Screening Date 2-Nov-2006

Docket No. 2006-0778-MLM-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 29872

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Pamela Campbell

Violation Number 21555

Rule Cite(s)

30 Tex. Admin. Code § 290.113(f)(5) and Tex. Health & Safety Code § 341.0351(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for HAA5, based on a running annual average. Specifically, the running annual average for HAA5 was 0.069 mg/L for the fourth quarter of 2005, 0.137 mg/L for the first quarter of 2006, and 0.156 mg/L for the second quarter of 2006, as documented during a record review on August 7, 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to comply with the MCL for HAA5 exposes customers of the water supply to significant amounts of contaminants that do not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

272 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$250

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$435

This violation Final Assessed Penalty (adjusted for limits) \$435

Economic Benefit Worksheet

Respondent: Anna Jeffcoat dba Lakeshore Sites Water Company

Case ID No: 29872

Reg. Ent. Reference No: RN101207108

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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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

See violation no. 1

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/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

\$0

TOTAL

\$0

Compliance History

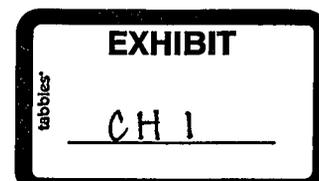
Customer/Respondent/Owner-Operator:	CN600650964 Anna Jeffcoat	Classification: N/A Rating:
Regulated Entity:	RN101207108 LAKESHORE SITES WATER CO	Classification: N/A Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	1040019
	WATER LICENSING LICENSE	1040019
Location:	792 JEFFCOAT RD, HASKELL, TX, 79521	
TCEQ Region:	REGION 03 - ABILENE	
Date Compliance History Prepared:	November 02, 2006	
Agency Decision Requiring Compliance History:	Enforcement	
Compliance Period:	November 02, 2001 to November 02, 2006	
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History		
Name: Pamela Campbell Phone: 512 239-4493		

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 | 04/25/2003 | (33638) |
| 2 | 07/20/2006 | (509526) |
| 3 | 03/02/2006 | (497480) |
| 4 | 11/18/2004 | (341659) |
| 5 | 07/18/2006 | (487283) |
| 6 | 12/17/2003 | (257958) |
| 7 | 08/28/2002 | (8821) |
| 8 | 10/20/2005 | (497248) |
| 9 | 12/27/2005 | (450400) |
| 10 | 02/24/2006 | (509183) |
| 11 | 07/07/2006 | (509502) |
| 12 | 09/13/2006 | (511485) |
| 13 | 09/22/2005 | (432686) |
| 14 | 06/06/2006 | (509235) |
| 15 | 06/09/2006 | (509294) |
| 16 | 03/02/2005 | (497480) |
| 17 | 10/02/2005 | (497248) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | |
|------------------|----------|--|
| Date: 08/29/2002 | (8821) | |
| Self Report? NO | | Classification: Major |
| Citation: | | 30 TAC Chapter 290, SubChapter F 290.118(b) |
| Description: | | FAILURE TO MEET COMMISSION'S MINIMUM STANDARDS FOR WATER QUALITY. |
| | | |
| Date: 07/17/2006 | (487283) | |
| Self Report? NO | | Classification: Moderate |
| Citation: | | 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(B)(vi) |
| Description: | | FAILURE TO MEET MINIMUM CAPACITY REQUIREMENT (0.6 GPM) WITH LARGEST FITLER OFFLINE |
| | | |
| Self Report? NO | | Classification: Minor |
| Citation: | | 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C) |
| Description: | | FAILURE TO POST 200' ACCESS SIGN AT INTAKE |
| | | |
| Self Report? NO | | Classification: Minor |
| Citation: | | 30 TAC Chapter 290, SubChapter D 290.46(t) |
| Description: | | FAILURE TO POST EMERGENCY SIGN AT TERMINAL RESERVOIR |
| | | |
| Self Report? NO | | Classification: Moderate |
| Citation: | | 30 TAC Chapter 290, SubChapter F 290.113(b)(1) |
| Description: | | FAILURE TO PROVIDE TREATMENT PROCESS THAT REDUCES THM MCL |
| | | |
| Self Report? NO | | Classification: Moderate |
| Citation: | | 30 TAC Chapter 290, SubChapter F 290.111(c)(1)(B) |
| Description: | | FAILURE TO PROVIDE ONLINE TURBIDIMETER RECORDER EQUIPMENT |
| | | |
| Self Report? NO | | Classification: Minor |
| Citation: | | 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C) |
| Description: | | FAILURE TO CONDUCT DAILY RESIDUAL DISINFECTION MONITORING IN DISTRIBUTION SYSTEM |
| | | |
| Self Report? NO | | Classification: Moderate |



Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)	
Description:	FAILURE TO CONDUCT WEEKLY CALIBRATION CHECKS FOR ONLINE TURBIDIMETER	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)	
Description:	FAILURE TO DEVELOP SYSTEM MONITORING PLAN	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vi)	
Description:	FAILURE TO PROVIDE JAR TESTING EQUIPMENT	
Date: 06/09/2006	(509294)	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)	
Description:	Violated the maximum contaminant level for trihalomethanes in the first quarter of 2006.	
Date: 05/24/2005	(393299)	
Self Report? NO		Classification: Major
Citation:	2B TWC Chapter 11, SubChapter A 11.081	
Description:	Failure to obtain authorization from the TCEQ prior to diverting state water from Lake Stamford for municipal purposes.	
Date: 02/24/2006	(509183)	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)	
Description:	Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2005.	
Date: 07/07/2006	(509502)	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(5)	
Description:	Violated the maximum contaminant level for haloacetic acids in the second quarter of 2006.	
Date: 06/06/2006	(509235)	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(5)	
Description:	Violated the maximum contaminant level for haloacetic acids in the first quarter of 2006.	
Date: 07/20/2006	(509526)	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)	
Description:	Violated the maximum contaminant level for trihalomethanes in the second quarter of 2006.	
Date: 12/18/2003	(257958)	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(8)	
Description:	Failure to paint the clearwell.	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)	
Description:	Failure to provide a intruder resistant fence.	
Date: 10/20/2005	(497248)	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)	
Description:	Violated the maximum contaminant level for trihalomethanes in the third quarter of 2005.	
Date: 03/02/2005	(497480)	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(5)	
Description:	Violated the maximum contaminant level for haloacetic acids in the fourth quarter of 2005.	

- 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



(September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	30-May-2006	Screening	13-Jun-2006	EPA Due	
	PCW	23-Oct-2006				

LOCATION	Respondent	Anna Jeffcoat dba Lakeshore Sites Water Co.				
	Reg. Ent. Ref. No.	RN101207108				
	Facility/Site Region	3-Abilene	Major/Minor Source	Minor Source		

LOCATION	Enf./Case ID No.	29872	No. of Violations	1		
	Docket No.	2006-0778-WR-E	Order Type	1660		
	Media Program(s)	Water Rights	Enf. Coordinator	Pamela Campbell		
	Multi-Media		EC's Team	Enforcement Team 1		
	Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000		

Penalty Calculation Section

Penalties) **Subtotal 1** \$12,500

TAL 1

by the indicated percentage.

Compliance History 9% Enhancement **Subtotals 2, 3, & 7** \$1,125

Notes: cited violations.

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

Notes: The respondent does not meet the culpability criteria.

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

Before NOV 2/ Settlement Offer

Extraordinary	
Ordinary	
N/A	<input checked="" type="checkbox"/> (mark with a small x)

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

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

Total EB Amounts	\$217	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,907	

Subtotals 1-7 **Final Subtotal** \$13,625

REQUIRE **Adjustment** \$0

(or -30%)

Notes:

Final Penalty Amount \$13,625

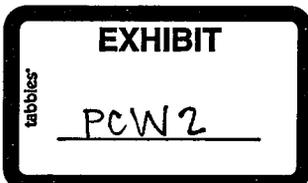
DEFERRAL **Final Assessed Penalty** \$13,625

DEFERRAL Reduction **Adjustment** \$0

(reduction.)

Notes: No deferral because this is not an expedited case.

TOTAL \$13,625



Screening Date 13-Jun-2006

Docket No. 2006-0778-WR-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Co.

Policy Revision 2 (September 2002)

Case ID No. 29872

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101207108

Media [Statute] Water Rights

Enf. Coordinator Pamela Campbell

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 <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
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) 9%

>> **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

The respondent received one NOV for the same violation and two NOVs for unrelated violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 9%

Screening Date 13-Jun-2006 **Docket No.** 2006-0778-WR-E **PCW**
Respondent Anna Jeffcoat dba Lakeshore Sites Water Co. *Policy Revision 2 (September 2002)*
Case ID No. 29872 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101207108
Media [Statute] Water Rights
Enf. Coordinator Pamela Campbell
Violation Number 1
Primary Rule Cite(s) Tex. Water Code § 11.081
Secondary Rule Cite(s)
Violation Description Failure to obtain authorization from the TCEQ prior to diverting state water from Lake Stamford for municipal use. The respondent operates a surface water treatment plant for distribution to the residents of a mobile home park and has been diverting state water from Lake Stamford for these purposes. The average daily demand is approximately 5,000 gallons per day.
Base Penalty \$5,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual		X		Percent 25%
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent

Matrix Notes Unauthorized diversion, taking, or storage of a significant amount of state water or a significant unauthorized change in flood elevation of a stream which does not detrimentally affect aquatic life or result in a safety hazard, property damage, or economic loss.

Adjustment -\$3,750

Base Penalty Subtotal \$1,250

Violation Events

Number of Violation Events 10

<i>mark only one use a small x</i>	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$12,500

Ten monthly events are recommended from the date of the record review (December 27, 2005) to the 60 day deadline date (September 19, 2006).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$217

Violation Final Penalty Total \$13,625

This violation Final Assessed Penalty (adjusted for limits) \$13,625

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Co.

Case ID No. 29872

Reg. Ent. Reference No. RN101207108

Media [Statute] Water Rights

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)	\$1,807	08-Apr-2005	01-Dec-2006	1.6	\$10	\$199	\$209
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	\$100	08-Apr-2005	01-Dec-2006	1.6	\$8	n/a	\$8
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is the cost to apply for a water rights permit and the cost to obtain a water supply contract from the City of Stamford. The date required is the date of the first investigation and the final date is the anticipated date of compliance.

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 **\$1,907**

\$217

Compliance History

Customer/Respondent/Owner-Operator:	CN600650964	Anna Jeffcoat	Classification:	Rating:
Regulated Entity:	RN101207108	LAKESHORE SITES WATER CO	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1040019	
	WATER LICENSING LICENSE		1040019	
Location:	792 JEFFCOAT RD, HASKELL COUNTY			
TCEQ Region:	REGION 03 - ABILENE			
Date Compliance History Prepared:	July 06, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 06, 2001 to July 06, 2006			

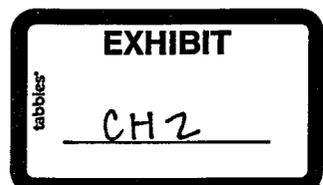
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Pamela Campbell Phone: 512 239-4493

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 04/25/2003 (33638)
 - 2 11/18/2004 (341659)
 - 3 12/17/2003 (257958)
 - 4 08/28/2002 (8821)
 - 5 12/27/2005 (450400)
 - 6 09/22/2005 (432686)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - Date: 08/29/2002 (8821)
 - Self Report? NO
 - Citation: 30 TAC Chapter 290, SubChapter F 290.118(b)
 - Description: FAILURE TO MEET COMMISSION'S MINIMUM STANDARDS FOR WATER QUALITY.
 - Classification: Major
 - Date: 05/24/2005 (393299)
 - Self Report? NO
 - Citation: 2B TWC Chapter 11, SubChapter A 11.081
 - Description: Failure to obtain authorization from the TCEQ prior to diverting state water from Lake Stamford for municipal purposes.
 - Classification: Major
 - Date: 12/18/2003 (257958)
 - Self Report? NO
 - Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
 - Description: Failure to paint the clearwell.
 - Classification: Minor
 - Self Report? NO
 - Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 - Description: Failure to provide a intruder resistant fence.
 - Classification: Minor
- 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
ANNA JEFFCOAT DBA
LAKESHORE SITES WATER
COMPANY,
RN101207108**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2006-0778-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 11, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Anna Jeffcoat dba Lakeshore Sites Water Company ("Ms. Jeffcoat").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Ms. Jeffcoat owns and operates Lakeshore Sites Water Company, a public water system located at 792 Jeffcoat Road, Haskell, Haskell County, Texas (the "Facility").
2. Ms. Jeffcoat's Facility is contiguous with state water as defined in TEX. WATER CODE § 11.021 and TEX. ADMIN. CODE § 297.1(46) and Ms. Jeffcoat owns and operates a public water supply as part of the Facility that has approximately 126 service connections, serves at least 25 people per day for at least 60 days a year and provides water for human consumption.
3. During a record review on December 27, 2005, a TCEQ Abilene Regional Office investigator documented that Ms. Jeffcoat failed to obtain authorization from the TCEQ prior to diverting state water from Lake Stamford. Ms. Jeffcoat operates a water treatment plant for distribution to the residential customers. The average daily demand is approximately 5,000 gallons per day.
4. During a record review on August 7, 2006, a TCEQ Abilene Regional Office investigator documented that Ms. Jeffcoat:

- a. failed to comply with the maximum contaminant level (“MCL”) of 0.080 milligrams per liter (“mg/L”) for trihalomethane (“TTHM”), based on a running annual average. Specifically, the running annual average for TTHM was 0.124 mg/L for the third quarter of 2005, 0.202 for the fourth quarter of 2005, 0.405 mg/L for the first quarter of 2006, and 0.383 for the second quarter of 2006; and
 - b. failed to comply with the maximum contaminant level (“MCL”) of 0.060 milligrams per liter (“mg/L”) for HAA5, based on a running annual average. Specifically, the running annual average for HAA5 was 0.069 mg/L for the fourth quarter of 2005, 0.137 mg/L for the first quarter of 2006, and 0.156 mg/L for the second quarter of 2006.
5. Ms. Jeffcoat received notice of the violations on or about July 20, 2006 and August 9, 2006.
 6. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Anna Jeffcoat dba Lakeshore Sites Water Company” (the “EDPRP”) in the TCEQ Chief Clerk’s office on September 7, 2007.
 7. By letter dated September 7, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Ms. Jeffcoat with notice of the EDPRP. According to the return receipt “green card”, Ms. Jeffcoat received notice of the EDPRP on September 8, 2007, as evidenced by the signature on the card.
 8. More than 20 days have elapsed since Ms. Jeffcoat received notice of the EDPRP, provided by the Executive Director. Ms. Jeffcoat failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Ms. Jeffcoat is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 11.0842, TEX. HEALTH & SAFETY CODE § 341.045, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Ms. Jeffcoat failed to obtain authorization from the TCEQ prior to diverting state water from Lake Stamford. Ms. Jeffcoat operates a water treatment plant for distribution to the residential customers. The average daily demand is approximately 5,000 gallons per day, in violation of TEX. WATER CODE § 11.081.

3. As evidenced by Finding of Fact No. 4.a., Ms. Jeffcoat failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for trihalomethane ("TTHM"), based on a running annual average. Specifically, the running annual average for TTHM was 0.124 mg/L for the third quarter of 2005, 0.202 for the fourth quarter of 2005, 0.405 mg/L for the first quarter of 2006, and 0.383 for the second quarter of 2006, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0351(c).
4. As evidenced by Finding of Fact No. 4.b., Ms. Jeffcoat failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for HAA5, based on a running annual average. Specifically, the running annual average for HAA5 was 0.069 mg/L for the fourth quarter of 2005, 0.137 mg/L for the first quarter of 2006, and 0.156 mg/L for the second quarter of 2006, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0351(c).
5. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Ms. Jeffcoat with proper notice of the EDRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
6. As evidenced by Finding of Fact No. 8, Ms. Jeffcoat has failed to file a timely answer to the EDRP, as required by TEX. WATER CODE § 7.056, TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057, TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Ms. Jeffcoat and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Ms. Jeffcoat for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of fourteen thousand four hundred ninety-five dollars (\$14,495.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049(b).
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Ms. Jeffcoat is assessed an administrative penalty in the amount of fourteen thousand four hundred ninety-five dollars (\$14,495.00) for violations of TEX. WATER CODE CH. 11, TEX. HEALTH & SAFETY CODE ch. 341, and rules of the TCEQ. The payment of this administrative penalty and Ms. Jeffcoat 's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Anna Jeffcoat dba Lakeshore Sites Water Company; Docket No. 2006-0778-MLM-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. Ms. Jeffcoat shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Ms. Jeffcoat shall cease diverting water from Lake Stamford and either obtain a water supply contract from the City of Stamford or interconnect to an adjacent public water supply system.
 - b. Within 45 days after the effective date of this Order, Ms. Jeffcoat shall submit copies of documentation necessary to demonstrate compliance with Ordering Provision 2.a..

The certification shall be notarized by the 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:

James Beauchamp, Water Section Manager
Texas Commission on Environmental Quality
Abilene Regional Office
1977 Industrial Boulevard
Abilene, Texas 79602-7833

- c. Within 365 days after the effective date of this Order, Ms. Jeffcoat shall return to compliance with the running annual average MCL for TTHM and HAA5, in accordance with 30 TEX. ADMIN. CODE § 290.113.
- d. Within 380 days after the effective date of this Order, Ms. Jeffcoat shall submit copies of documentation necessary to demonstrate compliance with Ordering Provision 2.c.

The certification shall be notarized by the 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:

James Beauchamp, Water Section Manager
Texas Commission on Environmental Quality
Abilene Regional Office
1977 Industrial Boulevard
Abilene, Texas 79602-7833

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Ms. Jeffcoat. Ms. Jeffcoat is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Ms. Jeffcoat shall be made in writing to the Executive Director. Extensions are not effective until Ms. Jeffcoat receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Ms. Jeffcoat if the Executive Director determines that Ms. Jeffcoat has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Anna Jeffcoat dba Lakeshore Sites Water Company
DOCKET NO. 2006-0778-MLM-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JIM SALLANS

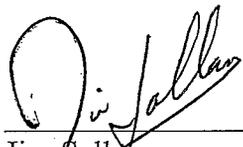
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Jim Sallans. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Anna Jeffcoat dba Lakeshore Sites Water Company” (the “EDPRP”) with the Office of the Chief Clerk on September 7, 2007.

I sent the EDPRP to Ms. Jeffcoat at her last known address on September 7, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Ms. Jeffcoat received notice of the EDPRP on September 8, 2007, as evidenced by the signature on the card.

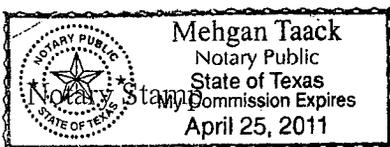
More than 20 days have elapsed since Ms. Jeffcoat received notice of the EDPRP. Ms. Jeffcoat failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.



Jim Sallans
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jim Sallans, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 14th day of NOVEMBER A.D., 2007.



Meghan Taack

Notary Signature