

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-0105-PWS-E **TCEQ ID:** RN102682291 **CASE NO.:** 35188
RESPONDENT NAME: Moore's Water System of Beaver Lake, 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: Moore's Water System, 476 Beaver Lane, McLennan County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. John L. Moore, Secretary and Registered Agent, Moore's Water System of Beaver Lake, Inc., Route 4, Box 471, Waco, Texas 76705 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: November 6, 2007</p> <p>Date of NOV/NOE Relating to this Case: November 23, 2007 (NOE)</p> <p>Background Facts: This was a routine records review.</p> <p>WATER</p> <p>1) Failure to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failure to keep water system records on file and make them available for Commission review [30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(B)(v) and 290.46(f)(3)(D)(ii)].</p> <p>3) Failure to complete customer service inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>4) Failure to develop and maintain an up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(1)].</p>	<p>Total Assessed: \$577</p> <p>Total Deferred: \$115 <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: \$462</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of the Agreed Order, compile and maintain the records of water works operations, including records of annual ground storage and pressure tank inspections and copies of the well flow measuring device reports.</p> <p>b. Within 25 days after the effective date of the Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Develop and begin maintaining an up-to-date plant operations manual that can be made available for operator review and reference; and</p> <p>ii. Complete customer service inspections at 9290 East Highway 84, 9230 East Highway 84 and 586 Beaver Lane, McLennan County. Additionally, ensure that customer service inspections are completed prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable, plumbing practices exist, or after any material improvement, connection, or addition to the private plumbing facilities.</p> <p>d. Within 45 days after the effective date of the Agreed Order; submit written documentation that certifies compliance with Ordering Provision c.</p> <p>e. Within 180 days after the effective date of the Agreed Order, provide two or more service pumps with a total rated capacity of 2.0 gallons per minute per connection.</p> <p>f. Within 195 days after the effective date of the Agreed Order, submit written</p>

		certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	3-Dec-2007	Screening	7-Jan-2008	EPA Due	
	PCW	29-Apr-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Moore's Water System of Beaver Lake, Inc.
Reg. Ent. Ref. No.	RN102682291
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35188	No. of Violations	4
Docket No.	2008-0105-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Tel Croston
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

Penalty Calculation Section

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

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 EDPRP/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
 *Capped at the Total EB \$ Amount

Total EB Amounts	\$62
Approx. Cost of Compliance	\$1,250

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

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 7-Jan-2008

Docket No. 2008-0105-PWS-E

PCW

Respondent Moore's Water System of Beaver Lake, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35188

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102682291

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

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)**

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

Enhancement due to one Notice of Violation for same or similar violations in the past five years.

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

Screening Date 7-Jan-2008	Docket No. 2008-0105-PWS-E	PCW			
Respondent Moore's Water System of Beaver Lake, Inc.		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35188		<i>PCW Revision November 6, 2007</i>			
Reg. Ent. Reference No. RN102682291					
Media [Statute] Public Water Supply					
Enf. Coordinator Tel Croston					
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)				
Violation Description	Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, the system has 89 connections and is required to provide two or more service pumps with a total capacity of 178 gpm. The system is currently providing 160 gpm which is a 10% deficiency.				
	Base Penalty	\$1,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	x	<input type="text"/>		
		Percent	10%		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
		Percent	0%		
Matrix Notes	Without sufficient total service pump capacity, customers of the water system could experience shortages and be exposed to a significant amount of contaminants that do not exceed levels protective of human health.				
	Adjustment	\$900			
		\$100			
Violation Events					
	Number of Violation Events	1	62	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	monthly	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	quarterly	x	<input type="text"/>	<input type="text"/>	
	semiannual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	annual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	single event	<input type="text"/>	<input type="text"/>	<input type="text"/>	
		Violation Base Penalty			\$100
	One quarterly event is recommended from the date of the record review, November 6, 2007, to the date of screening, January 7, 2008.				
Economic Benefit (EB) for this violation			Statutory Limit Test		
	Estimated EB Amount	\$29	Violation Final Penalty Total	\$105	
	This violation Final Assessed Penalty (adjusted for limits)			\$105	

Economic Benefit Worksheet

Respondent Moore's Water System of Beaver Lake, Inc.
Case ID No. 35188
Reg. Ent. Reference No. RN102682291
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
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No commas or \$

Delayed Costs

Equipment	\$500	6-Nov-2007	31-Aug-2008	0.8	\$1	\$27	\$29
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

The delayed costs include the amount necessary to increase the service pump capacity to 2.0 gpm per connection with two pumps, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$29

Screening Date 7-Jan-2008	Docket No. 2008-0105-PWS-E	PCW	
Respondent Moore's Water System of Beaver Lake, Inc.	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 35188	<small>PCW Revision November 6, 2007</small>		
Reg. Ent. Reference No. RN102682291			
Media [Statute] Public Water Supply			
Enf. Coordinator Tel Croston			
Violation Number	2		
Rule Cite(s)	30 Tex. Admin. Code §§ 290.46(f)(2), 290.46(f)(3)(B)(v) and 290.46(f)(3)(D)(ii)		
Violation Description	Failed to keep water system records on file and make them available for Commission review. Specifically, at the time of the record review the following records were not available: annual storage and pressure tank inspection forms, and the calibration records for the well flow meter.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
			Percent
			<input type="text" value="5%"/>
Matrix Notes	The Respondent failed to comply with 30% of the rule requirement.		
Adjustment		\$950	
		\$50	
Violation Events			
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="62"/> Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$50"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
single event	<input checked="" type="text" value="x"/>		
One single event is recommended.			
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$8"/>	Violation Final Penalty Total <input type="text" value="\$52"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$52"/>

Economic Benefit Worksheet

Respondent Moore's Water System of Beaver Lake, Inc.
Case ID No. 35188
Reg. Ent. Reference No. RN102682291
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	\$250	6-Nov-2007	30-Jun-2008	0.6	\$8	n/a	\$8
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to prepare and maintain water system records relating to annual storage and pressure tank inspections and well flow measuring device calibration reports, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$8

Screening Date 7-Jan-2008	Docket No. 2008-0105-PWS-E	PCW		
Respondent Moore's Water System of Beaver Lake, Inc.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 35188	<small>PCW Revision November 6, 2007</small>			
Reg. Ent. Reference No. RN102682291				
Media [Statute] Public Water Supply				
Enf. Coordinator Tel Croston				
Violation Number <input type="text" value="3"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(j)			
Violation Description	Failed to complete customer service inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. Specifically, the Respondent did not have customer service inspection certificates for the following locations: 9290 East Highway 84, 9230 East Highway 84, and 586 Beaver Lane, McLennan County.			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>	
Matrix Notes	Failed to comply with 100% of the rule requirement.			
Adjustment		<input type="text" value="\$900"/>		
		<input type="text" value="\$100"/>		
Violation Events				
Number of Violation Events <input type="text" value="3"/>		<input type="text" value="62"/> Number of violation days		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$300"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
Three single events are recommended (one for each site).				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$15"/>		Violation Final Penalty Total <input type="text" value="\$315"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$315"/>		

Economic Benefit Worksheet

Respondent Moore's Water System of Beaver Lake, Inc.
Case ID No. 35188
Reg. Ent. Reference No. RN102682291
Media Public Water Supply
Violation No. 3

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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	6-Nov-2007	31-Jul-2008	0.7	\$1	\$15	\$15
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to complete customer service inspections reports, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$15

Screening Date 7-Jan-2008	Docket No. 2008-0105-PWS-E	PCW		
Respondent Moore's Water System of Beaver Lake, Inc.	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35188	<i>PCW Revision November 6, 2007</i>			
Reg. Ent. Reference No. RN102682291				
Media [Statute] Public Water Supply				
Enf. Coordinator Tel Croston				
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(l)			
Violation Description	Failed to develop and maintain an up-to-date plant operations manual for operator review and reference.			
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
		Percent	10%	
Matrix Notes	Failed to comply with 100% of the rule requirement.			
Adjustment		\$900		
		\$100		
Violation Events				
Number of Violation Events		1	62	
		Number of violation days		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty \$100	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
One single event is recommended.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$10	Violation Final Penalty Total \$105	
		This violation Final Assessed Penalty (adjusted for limits) \$105		

Economic Benefit Worksheet

Respondent Moore's Water System of Beaver Lake, Inc.
Case ID No. 35188
Reg. Ent. Reference No. RN102682291
Media Public Water Supply
Violation No. 4

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)	\$200	6-Nov-2007	31-Jul-2008	0.7	\$0	\$10	\$10
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed costs include the amount to prepare and maintain a plant operations manual, calculated from the date of record review to the estimated date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200 TOTAL \$10

Compliance History

Customer/Respondent/Owner-Operator:	CN601361736	Moore's Water System of Beaver Lake, Inc.	Classification:	Rating:
Regulated Entity:	RN102682291	MOORES WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE		1550127 1550127
Location:	476 BEAVER LANE, McLennan County, Texas			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	January 02, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 02, 2003 to January 02, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>Tel Croston</u>	Phone:	<u>239-5717</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 | 12/06/2006 | (518238) | |
| 2 | 10/10/2007 | (596997) | |
| 3 | 11/27/2007 | (600426) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|---|------------------|--|-----------------------|
| 1 | Date: 12/08/2006 | (518238) | |
| | Self Report? | NO | Classification: Minor |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii) | |
| | Description: | Failure to provide an adequate service pumping capacity. | |
| | 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(j) | |
| | Description: | Failure to complete customer service inspection certificates. | |
| | Self Report? | NO | Classification: Minor |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A) | |
| | Description: | Failure to employ a licensed water operator. | |
| | Self Report? | NO | Classification: Minor |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.42(l) | |
| | Description: | Failure to provide a plant operations manual. | |
- 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
MOORE'S WATER SYSTEM OF
BEAVER LAKE, INC.
RN102682291**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0105-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 Moore's Water System of Beaver Lake, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 476 Beaver Lane in McLennan County, Texas (the "Facility") that has approximately 89 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 28, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Five Hundred Seventy-Seven Dollars (\$577) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Sixty-Two Dollars (\$462) of the administrative penalty and One Hundred Fifteen Dollars (\$115) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. 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, the Respondent is alleged to have:

1. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on November 6, 2007.
2. Failed to keep water system records on file and make them available for Commission review, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(B)(v) and 290.46(f)(3)(D)(ii), as documented during a record review conducted on November 6, 2007.
3. Failed to complete customer service inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during a record review conducted on November 6, 2007.
4. Failed to develop and maintain an up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during a record review conducted on November 6, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent'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: Moore's Water System of Beaver Lake, Inc., Docket No. 2008-0105-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 the Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, compile and maintain the records of water works operations, including records of annual ground storage and pressure tank inspections and copies of the well flow measuring device reports, as required by 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 25 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.f. below and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
 - c. Within 30 days after the effective date of this Agreed Order:
 - i. Develop and begin maintaining an up-to-date plant operations manual that can be made available for operator review and reference, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Complete customer service inspections at 9290 East Highway 84, 9230 East Highway 84 and 586 Beaver Lane, McLennan County. Additionally, ensure that customer service inspections are completed prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable, plumbing practices exist, or after any material improvement, connection, or addition to the private plumbing facilities, as required by 30 TEX. ADMIN. CODE § 290.46.

- d. Within 45 days after the effective date of this Agreed Order; submit written documentation, as detailed in Ordering Provision 2.f. below, that certifies compliance with Ordering Provision 2.c.
- e. Within 180 days after the effective date of this Agreed Order, provide two or more service pumps with a total rated capacity of 2.0 gallons per minute per connection, as required by 30 TEX. ADMIN. CODE § 290.45.
- f. Within 195 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.e. The certification shall be notarized by a State of Texas 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 the Respondent. The Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdin

For the Executive Director

7/21/2008

Date

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

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

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

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

John L. Moore

Signature

4-16-08

Date

JOHN L. MOORE

Name (Printed or typed)
Authorized Representative of
Moore's Water System of Beaver Lake, Inc.

Secretary

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.

