EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2009-0160-PWS-E TCEQ ID: RN101189736 and RN101274165 CASE NO.: 19857

RESPONDENT NAME: Sam Rayburn Water, Inc.

ORDER TYPE:		·
1660 AGREED ORDER	<u>x</u> findings agreed order	FINDINGS ORDER FOLLOWING SOAH HEARING
findings default order	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
	ED: Lakewood Water System, located one mile ear unty and Powell Point Water System, located at the plies	
SMALL BUSINESS: X Yes	No	
OTHER SIGNIFICANT MATTERS: Ther these facility locations.	e are no complaints. There is no record of additiona	al pending enforcement actions regarding
INTERESTED PARTIES: No one other that	an the ED and the Respondent has expressed an inter-	rest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on November 23, 200	9. No comments were received.
4012; Ms. Cari-Michel La Caille, E Respondent: Mr. Don Johnson, Pro	r: None : Ms. Rebecca Clausewitz, Enforcement Division, E Inforcement Division, MC 219, (512) 239-1387 esident, Sam Rayburn Water, Inc., 1403 Mulberry C sented by counsel on this enforcement matter	

RESPONDENT NAME: Sam Rayburn Water, Inc.

DOCKET NO.: 2009-0160-PWS-E

VIOLATION SUMMARY CHART: PENALTY CONSIDERATIONS CORRECTIVE ACTIONS VIOLATION INFORMATION TAKEN/REQUIRED Total Assessed: \$4,475 Ordering Provisions: Type of Investigation: ___ Complaint The Order will require the Respondent to: Total Deferred: \$0 Routine Enforcement Follow-up X Expedited Settlement X Records Review a. Within 365 days after the effective date __Financial Inability to Pay of this Agreed Order, return to compliance Date(s) of Complaints Relating to this with the MCL for TTHM and HAA5 at the SEP Conditional Offset: \$0 Case: None Lakewood Facility and the Powell Point Facility; and Date of Investigation Relating to this Case: Total Paid (Due) to General Revenue: \$155 October 14, 2008 and February 4, 2009 (remaining \$4,320 due in 36 monthly payments b. Within 380 days after the effective date of \$120 each) of this Agreed Order, submit written Date of NOV/NOE Relating to this Case: certification and include detailed October 16, 2008 and February 6, 2009 RN101189736 and RN101274165 supporting documentation including (NOE) Site Compliance History Classification photographs, receipts, and/or other records __ High __ Average __ Poor to demonstrate compliance with Ordering Background Facts: These were record Provision a. reviews. Person Compliance History Classification __ High __ Average __ Poor WATER Major Source: ___ Yes X No 1) Failure to comply with the maximum contaminant level ("MCL") of 0.080 Applicable Penalty Policy: September 2002 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a Findings Orders Justification: The running annual average at the Lakewood Respondent has exhibited an indifference to Facility [30 Tex. Admin. Code § legal duty by failing to comply with two prior 290.113(f)(4), Tex. Health & Safety Code Agreed Orders (Docket No. 2004-1508-PWS-E § 341.0315(c), and Agreed Order Docket and 2005-1228-PWS-E). No. 2004-1508-PWS-E, Ordering Provision 2.al. 2) Failure to comply with the MCL of 0.060 mg/L for haloacetic acids ("HAA5"), based on a running annual average at the Lakewood Facility [30 Tex. ADMIN. CODE § 290.113(f)(5) and Tex. HEALTH & SAFETY CODE § 341.0315(c)]. 3) Failure to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average at the Powell Point Facility [30 Tex. ADMIN. CODE § 290.113(f)(4), TEX. HEALTH & SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2005-1228-PWS-E, Ordering Provision 2.a]. 4) Failure to comply with the MCL of 0.060 mg/L for HAA5, based on a running annual average at the Powell Point Facility [30 Tex. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Policy Revision 2 (Sep	Penalty Calculatio	n Worksheet (P	CW) PCW Revision October 30, 2008
TCEQ DATES Assigned PCW	23-Feb-2009 23-Mar-2009 Screening 23-Mar-2009	EPA Due 1-Dec-2007	
Reg. Ent. Ref. No.	Sam Rayburn Water, Inc. (Powell Point Wa RN101274165		
Facility/Site Region CASE INFORMATION	10-Beaumont	Major/Minor Source	
	2009-0160-PWS-E Public Water Supply		Findings
Admin. Penalty \$ I	Limit Minlmum \$50 Maximum	\$1,000	
	Penalty Calcula		A1.0 10
	TY (Sum of violation base penaltic	es)	Subtotal 1 \$1,250
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain Compliance History	ned by multiplying the Total Base Penalty (Subtotal 1) by	y the indicated percentage. Enhancement Subt	otals 2, 3, & 7 \$1,175
Notes	The enhancement is due to 14 prior No containing violations that are the same as enforcement action, two prior NOVs contain one prior final agreed order contain	the violations in the current ning dissimilar violations, and	
Culpability	No 0.0%	Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet th	e culpability criteria.	
Good Faith Effor	t to Comply Total Adjustments		Subtotal 5 \$0
Economic Benefi		Enhancement* d at the Total EB \$ Amount	Subfotal 6 \$0
SUM OF SUBTOTAL	S 1-7		Final Subtotal \$2,425
	S JUSTICE MAY REQUIRE ubtotal by the indicated percentage.	0.0%	Adjustment \$0
Notes		Final Po	nalty Amount \$2,425
STATUTORY LIMIT A	NDJUSTMENT		essed Penalty \$2,425
DEFERRAL Reduces the Final Assessed Pen	ally by the indicted percentage. (Enter number only; e.	0.0% Reduction g. 20 for 20% reduction.)	Adjustment \$0
Notes	No deferral is recommended for	Findings Orders.	
PAYABLE PENALTY			\$2,425

Screening Date 23-Mar-2009

Docket No. 2009-0160-PWS-E

PCW

Respondent Sam Rayburn Water, Inc. (Powell Point Water System)

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Adjust.

70%

4%

20%

Enter Number Here

14

Case ID No. 19857

>> Compliance History Site Enhancement (Subtotal 2)

Component Number of...

NOVs

Reg. Ent. Reference No. RN101274165

Media [Statute] Public Water Supply

(number of NOVs meeting criteria)

Enf. Coordinator Rebecca Clausewitz

Other written NOVs

Compliance History Worksheet

Written NOVs with same or similar violations as those in the current enforcement action

Any agreed final enforcement orders containing a denial of liability (number of orders

	meeting criteria)	1	20%	
Orders	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	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%	
and Consent Decrees	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%	
Addito	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%	
	Pleas	e Enter Yes or No	,	
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
Olliei	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%	
epeat Violator (Su	Adjustment Po	ercentage (S	ubtotal 2)	94
N//		ercentage (S	ubtotal 3)	0
ompliance Histor	y Person Classification (Subtotal 7)			
N/A	Adjustment Pe	ercentage (S	ubtotal 7)	0
omnijanca Histor	y Summary .			
omphance mator		*1	7	
Compliance History Notes	The enhancement is due to 14 prior Notices of Violation (NOVs) containing violations that are the violations in the current enforcement action, two prior NOVs containing dissimilar violation prior final agreed order containing a denial of liability.	e the same as ons, and one		

Screening Da	e 23-Mar-2009 Docket No. 2009-0160-PWS-E	PCW
•		evision 2 (September 2002)
Case ID N		Prevision October 30, 2008
Reg. Ent. Reference N	o. RN101274165 Public Water Supply	
-	r Rebecca Clausewitz	
Violation Numb	The state of the s	•
Rule Cite	30 Tex. Admin. Code § 290.113(f)(4), Tex. Health & Safety Code § 341.0315(c), and Agreed Order Docket No. 2005-1228-PWS-E, Ordering Provision 2.a.	
Violation Description	Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average. Specifically, the running annual average concentration of TTHM was 0.150 mg/L for the fourth quarter of 2006, 0.156 mg/L for the first quarter of 2007, 0.162 mg/L for the second quarter of 2007, 0.168 mg/L for the third quarter of 2007, 0.161 mg/L for the fourth quarter of 2007, 0.159 mg/L for the first quarter of 2008, 0.139 mg/L for the second quarter of 2008, and 0.170 mg/L for the third quarter of 2008.	
	Base Penalty	\$1,000
>> Environmental, Property	nd Human Health Matrix	
-> Environmental, Floperty	Harm	
Relea	_ 	
OR Actu	<u> </u>	
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 0%	
		_
Matrix Exceeding	ne MCL for TTHM has exposed the customers of the water system to significant amounts of	
Notes	contaminants, which do not exceed levels that are protective of human health.	
Lucia de la constante de la co	MAY TO A STATE OF THE STATE OF	j
The state of the s	Adjustment \$750	
A CONTRACTOR OF THE CONTRACTOR		\$250
* <u> 12 12 12 12 12 12 12 </u>	en e	
Violation Events		
Number of	Violation Events 3 978 Number of violation days	
· · · · · · · · · · · · · · · · · · ·		
1	daily	
* Took	weekly monthly	
mark only one with an x	Quarterly Violation Base Penalty	\$750
and the same of th	semiannual	
1	annual x single event	
Three annu	al eyents are recommended, calculated from the effective date of Agreed Order Docket No.	
2005-122	3-PWS-E, January 26, 2006, to the end of the third quarter of 2008, September 30, 2008.	
Good Faith Efforts to Compl		\$0
The state of the s	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
VP data () - 18	Ordinary	
100 A WILLIAM	N/A x (mark with x)	
	Notes The Respondent does not meet the good faith-criteria for this	
	violation.	
	Violation Subtotal	\$750
Economic Benefit (EB) for th	AND A STREET OF THE STREET OF	
Estima	ted EB Amount \$790 Violation Final Penalty Total	\$1,455
	This violation Final Assessed Penalty (adjusted for limits)	\$1,455

	E	conomic E	Benefit W	orks	heet		
Respondent	t Sam Rayburn V	Vater, Inc. (Powell F	oint Water Syste	m)			
Case ID No	. 19857						
Rea. Ent. Reference No	. RN101274165						
2,	Public Water Si	vlags				Percent Interest	Years of
Violation No.		11.7				Percent interest	Depreciation
Violation No	• '					5.0	19
						*** *** *** **************************	
	item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
item Description	1 No commas or \$						
Delayed Costs	5			1			
Equipment		<u> </u>		0.00	\$0	\$0	\$0
Buildings		<u> </u>		0.00	\$0·	\$0	\$0
Other (as needed)	\$2,500	26-Jan-2006	1-Aug-2010	4,52	\$38	\$753	\$790
Engineering/construction		ļ.		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		ļ		0.00	\$0	is in n/a	\$0
Remediation/Disposal		<u> </u>		0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		<u></u>		0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed co system, ca	est includes the amo alculated from the e	ount to design and ffective date of th	a impiem	nent an alternative oread order to the	method of disinfecti	on for the wate
Avaided Confe	ANN						
Avoided Costs	S ANN			ntering	item (except for	one-time avoided c	osts)
Disposal	ANN			ntering 0.00	item (except for	one-time avoided c	osts) \$0
Disposal Personnel	ANN			ntering 0.00 0.00	item (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	3 ANN			0.00 0.00 0.00	item (except for \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0	osts) \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	3 ANN			0.00 0.00 0.00 0.00	item (except for \$0 \$0. \$0. \$0. \$0. \$0.	\$0 \$0 \$0 \$0 \$0 \$0	sts) \$0 \$0 \$0 \$0
Disposal Personnal Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	3 ANN			0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	3 ANN			0.00 0.00 0.00 0.00	item (except for \$0 \$0. \$0. \$0. \$0. \$0.	\$0 \$0 \$0 \$0 \$0 \$0	sts) \$0 \$0 \$0 \$0
Disposal Personnal Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	B ANN			0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	S ANN			0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	23-Mar-2009	Docket No. 2009-0160-PWS-	·E	P¢w
		(Powell Point Water System)	Policy Revis	ion 2 (Saptombar 2002)
Case ID No. Reg. Ent. Reference No.			PCW Re	vision October 30, 2008
	Public Water Supply			
Enf. Coordinator	Rebecca Clausewitz			
Violation Number	<u> </u>	to the second se	1	
Rule Cite(s)	30 Tex. Admin. Code §	§ 290.113(f)(5) and Tex. Health & Safety Code §	341.0315(c)	
Violation Description	running annual average. was 0.067 mg/L for the s- 0.069 mg/L for the fourth	MCL of 0.060 mg/L for haloacetic acids ("HAA5 Specifically, the running annual average concen econd quarter of 2007, 0.071 mg/L for the third q quarter of 2007, 0.069 mg/L for the first quarter quarter of 2008, and 0.077 mg/L for the third quar	tration of HAA5 uarter of 2007, of 2008, 0.065	
			Base Penalty	\$1,000
>> Environmental, Property ar	is Maleau Jemilu K	ga in the mark mark areas is	- 1	
>> Cirving innertial, Froperty at	Harm		!	
Release OR Actual	<u></u>	Minor		
Potential		Percent	25%	
			anning processing.	
>>Programmatic Matrix Falsification	Major Moderate	Minor		
T GIOINGGAGON	Major moderate	Percent	0%	
			1	
		ed the customers of the water system to significa		
Notes	contaminants, which do not	exceed levels that are protective of human healt	h.	
<u> </u>		東京 新聞 (本) (本) (本) (本) (本) (本) (本) (本) (本) (本)		
et experience of the second		Adjustment	\$750	
				\$250
Violation Events		新生品(III)。自然转换C		
Number of V	iolation Events 2	548 Number of violation	on days	
mark only one wilti an X	dally weekly monthly quarterly semiannual annual x single event	Violatio	n Base Penalty	\$500
	Two ann	ual events are recommended.		
Good Faith Efforts to Comply	0.0% Before NOV Extraordinary Ordinary N/A x	6 Reduction NOV to EDPRP/Settlement Offer (mark with x)		. \$0
	Notes The Resp	ondent does not meet the good faith criteria for t violation.	his	
		Vic	olation Subtotal	\$500
Economic Benefit (EB) for this	violation	Statutory Lim	it Test	
Estimate	d EB Amount	\$0 Violation Fin	al Penalty Total	\$970
		This violation Final Assessed Penalty (adju	usted for limits)	\$970
 And the second of the second of	Annual Control of the		Secretary Control of the Control of	

		conomic E	Benefit W	orks	heet		
Respondent	Sam Rayburn V	Vater, Inc. (Powell F	oint Water Syste	em)			
Case ID No.	. 19857	,	-				
Reg. Ent. Reference No.							
	Public Water S	unnly					Years of
Violation No.		арріу				Percent Interest	Depreciation
Violation No.	. 4						•
						5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
•							
Delayed Costs	i			_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0,00	\$0	\$0	\$0
Other (as needed)				0,00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0,00	\$0	n/a	\$0
Training/Sampling		1		0.00	\$0	n/a	\$0
Remediation/Disposal				0,00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0,00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs				entering	item (except for	omic benefit of viola	osts)
Avoided Costs				entering	item (except for \$0	one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel				0.00 0.00	item (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling				0.00 0.00 0.00	item (except for \$0 \$0 \$0	one-time avoided c	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	so \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				entering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	so \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				entering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	sts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN600636112 Sam Rayburn Water, Inc. Classification: Rating:

Regulated Entity: RN101274165 POWELL POINT WATER SYSTEM Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2030023

WATER LICENSING LICENSE 2030023

Location: AT THE INTERSECTION OF FM 705 AND FM 3127, SAN AUGUSTINE COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 23, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 23, 2004 to March 23, 2009

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

Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

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?

4. if Yes, who was/were the prior owner(s)?

5. When did the change(s) in ownership occur?

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/26/2006 ADMINORDER 2005-1228-PWS-E

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the MCL for TTHM in the 2nd and 3rd Quarters of 2004.

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

N/A

Chronic excessive emissions events.

N/A

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

1 09/15/2004 (334218)11/18/2004 (339639)3 06/30/2005 (397943) 01/17/2007 (726318)5 09/27/2007 (726145)6 09/28/2007 (726133)7 12/11/2007 (726137)8 12/11/2007 (726149)

(726139)

9 02/08/2008

10 02/08/2008 (726157)(681924) 08/01/2008 11 08/06/2008 (726142)12 13 08/06/2008 (726162)14 09/03/2008 (726165)(726143) 15 09/15/2008 16 12/05/2008 (725423)17 12/05/2008 (726168)18 02/06/2009 (726131)19 02/18/2009 (726445)

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

Date: 11/17/2004 (339639)

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to have a monitoring plan.

Date: 01/17/2007 (726318) CN600636112

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2006.

CN600636112

Classification: Minor

Date: 05/18/2007 (726131) CN600636112

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2007.

Date: 09/27/2007 (726145) CN600636112

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2007.

Date: 09/28/2007 (726133) CN600636112

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.

Date: 12/11/2007 (726137) CN600636112

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2007.

Date: 12/11/2007 (726149) CN600636112

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5) 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2007.

Date: 02/08/2008

(726139)

CN600636112

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description:

5A THSC Chapter 341, SubChapter A 341.0315(c) Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Date: 02/08/2008

(726157)

CN600636112

Self Report? NO

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.113(f)(5)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for haloacetic acids during the fourth quarter of 2007.

Date: 08/01/2008

(681924)

CN600636112

Self Report? NO

Classification:

Minor

Citation:

30 TAC Chapter 290, SubChapter F 290.121

Description: Self Report? Failure to have a monitoring plan.

Classification:

Minor

Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description:

Failure to calibrate the wells meters at least once every three years.

Self Report? NO

Classification: Moderate

Classification:

Classification:

Classification:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)

Citation: Description:

Failure to meet this agency's "Minimum Water System Capacity Requirements" (well production).

Date: 08/06/2008

(726142)

CN600636112

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Citation:

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 08/06/2008

(726162)

CN600636112

Self Report? Citation:

30 TAC Chapter 290, SubChapter F 290.113(f)(5)

Description:

5A THSC Chapter 341, SubChapter A 341.0315(c)

Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.

Date: 09/03/2008

(726165)

CN600636112

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.113(f)(5)

Citation:

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

Date: 09/15/2008

(726143)

CN600636112

Self Report? NO

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.

Date: 12/05/2008

(725423)

CN600636112

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Citation:

Description:

5A THSC Chapter 341, SubChapter A 341.0315(c)
Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

Classification: Moderate

Classification: Moderate

Date: 12/05/2008

(726168)

CN600636112

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.113(f)(5)

Citation:

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for haloacetic acids during the third quarter of 2008.

F. Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

Н. Voluntary on-site compliance assessment dates.

Participation in a voluntary pollution reduction program. I.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Policy Revision 2 (Sep	Penalty Calculatio	n Worksheet (P	•	October 30, 2008
TCEQ				
DATES Assigned PCW		EPA Due 31-Aug-2008		
RESPONDENT/FACILITY	INECOMATION		-	
	Sam Rayburn Water, Inc. (Lakewood Water	r Svstem)		
Reg. Ent. Ref. No.			"	
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor	
happy the property of the second seco				
CASE INFORMATION		•		
Enf./Case ID No.		No. of Violations		
	2009-0160-PWS-E	Order Type		
	Public Water Supply	Government/Non-Profit		
, Multi-Media			Rebecca Clausewitz Enforcement Team 2	
Admin Bonalty C	Limit Minimum \$50 Maximum	\$1,000 EC's Team	Enforcement ream 2	
Admin. Penalty \$	_imit wiinimum \$50 waximum	[\$1,000]	one fine fig. 19 and 19 and 19 and 19 fine fine for the contribution of the contribution contribution of the contribution of t	
THE PERSON AND PROPERTY AND PRO	Penalty Calcula	ation Section		
TOTAL BASE PENAL	TY (Sum of violation base penaltie	es)	Subtotal 1	\$1,250
ADJUSTMENTS (+/-)	TO SUBTOTAL 1			
	ned by multiplying the Total Base Penalty (Subtotal 1) by	y the indicated percentage.		
Compliance Hist			otals 2, 3, & 7	\$800
Notes	The enhancement is due to eight prior No containing violations that are the same as enforcement action, two prior NOVs contain one prior final agreed order containing	the violations in the current ring dissimilar violations, and	1	
Culpability	No 0.0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	e culpability criteria.		
Good Faith Effor	t to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefi Approx.		Enhancement* d at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTAL	S 1-7	,	Final Subtotal	\$2,050
	S JUSTICE MAY REQUIRE ubtotal by the indicated percentage.	0.0%	Adjustment	\$0
Notes				
11000		Final Pe] naity Amount	\$2,050
STATUTORY LIMIT A	ADJUSTMENT		essed Penalty	\$2,050
· ····································				
DEFERRAL Reduces the Final Assessed Pen	naity by the indicted percentage. (Enter number only; e.g.	0.0% Reduction g. 20 for 20% reduction.)	Adjustment	\$0
Notes	No deferral is recommended for	Findings Orders.		
DAVADI E DENALTV				\$2,050

Screening Date 23-Jan-2009

Docket No. 2009-0160-PWS-E

PCW

Respondent Sam Rayburn Water, Inc. (Lakewood Water System)

Case ID No. 19857

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101189736

Media [Statute] Public Water Supply Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

	 111 (1) (1) (2) (2) 	The large and a second in	C. LALANI OL	
, >>	Compliance History Site	Ennancement	onnoral Zi	

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)	8	40%
	Other written NOVs	2	4%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitor emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liabilit of this state or the federal government (number of judgements or consent decrees meeting criteria)	y 9 0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final cour judgments or consent decrees without a denial of liability, of this state or the federal government	rt; all ,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 Texa Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Adults	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	e 0	0%
	· · · · · · · · · · · · · · · · · · ·		

	Pleas	e Enter Yes of No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
01,101	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) 64%

•>	Repeat	Violator	(Subtotal	3)
----	--------	----------	-----------	----

N/A

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes The enhancement is due to eight prior Notices of Violation (NOVs) containing violations that are the same as the violations in the current enforcement action, two prior NOVs containing dissimilar violations, and one prior final agreed order containing a denial of liability.

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

64%

}	reening Date			ket No. 2009-016	0-PWS-E	PCW
demolitrati x 1		•	Water, Inc. (Lakewood Water S	lystem)	Policy R	evision 2 (September 2002)
	Case ID No.				PCW	Revision October 30, 2008
	eference No.					
3	edia [Statute]					
1	Coordinator		sewitz			
Vi	olation Number	1 <u></u>	4800-4194			
	Rule Cite(s)	.30 Tex. Adn Agre	min. Code § 290.113(f)(4), Tex. sed Order Docket No. 2004-150	Health & Safety Cod 8-PWS-E, Ordering	de § 341.0315(c), and Provision 2.a.	
Violati	ion Description	("mg/L") fo Specifically, the third quarter	oly with the maximum contamins or total trihalomethanes ("TTHM he running annual average con of 2007, 0.289 mg/L for the fou 08, 0.251 mg/L for the second q quarter o	("), based on a runn centration of TTHM rth quarter of 2007, uarter of 2008, and	Ing annual average. was 0.297 mg/L for the 0.295 mg/L for the first	
***					Base Penalty	\$1,000
>> Environmental	Dronark, 30	9. 直提供"数"。	ealth Matrix		Anther I	-
>> Environmental	i, Property an	n univali de	Harm			
	Release	Major	Moderate Minor			
OR	Actual		X		hamman and a second	P
The second secon	Potential			Percent	25%	
	9987 H S 7	· ·		***************************************		
>>Programmatic	Matrix Falsification	Major	Moderate Minor			
l strage a	Faisilication	Major II	Moderate Milital	Percent	0%	
and the second s	<u> </u>	LL	المستعدد السياد		- :	
Matrix Notes	Exceeding the	MCL for TTHM ontaminants, wh	I has exposed the customers of hich do not exceed leve's that a	the water system to re protective of hum	o significant amounts of ian health.	
	L.					<u>.</u>
	THE CONTRACTOR	• • • • • • • • • • • • • • • • • • • •		Adjustmen	it \$750]
4						\$250
						V 2001
Violation Events	100					
The particular of the control of the				1		
- Paragraphic Approximation of the Control of the C	Number of Vi	olation Events[3	1072 Number o	f violation days	
Marked Species 4		19	***************************************			
		daily [
- consession		weekly [monthly				
The second secon	mark only one	quarterly			Violation Base Penalty	\$750
and the state of t	with an x	semiannual				
and difficulty for		annual	X			
ortegi month		single event				
resignad was						7
	Three annual	events are reco	ommended, calculated from the	effective date of Ag	reed Order Docket No.	
	2004-1508-1	PWS-E, Octobe	er 24, 2005, to the end of the th	ird quarter of 2008,	September 30, 2008.	
	L					ו
Good Faith Effort	s to Comply		0.0% Reduction			\$0
	ි වින්සිම මේ සිටිසම් නොම ි .		Before NOV NOV to EOPRP/Settl	ement Offer		
		Extraordinary				
		Ordinary				
Orano (SIR)		N/A	X (mark with x)		produce and the second	
NA CONTINUE AND A CON		Į	The Respondent does not me	et the good faith crit	teria for this	
- Table		Notes		ation.		
T TO THE TOTAL TOT						
E EFF					Violation Subtotal	\$750
* · · · · · · · · · · · · · · · · · · ·						<u> </u>
Economic Benefi	t (EB) for this	violation		Statuto	ry Limit Test	
and the second s	Easternate	ا داد مساده ا	\$835	Wels	tion Final Penalty Total	\$1,230
* was - 1440 - 1	Esumate	d EB Amount	ტიაშ	viola	went mair enally Total	φ 1,600
			This violation Fi	nal Assessed Pena	ity (adjusted for limits)	\$1,230

		conomic I			HICCL		
	•	Vater, Inc. (Lakewo	od Water System)			
Case ID No.							
Reg. Ent. Reference No.	, RN101189736					grammamamidiantendenterleinianistis men mengeramanan p	and the state of t
Media Violation No.	, Public Water St . 1	apply				Percent Interest	Years of Depreciation
						5.0	16
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		- 410 110 4 110 - 1					
item bescription	No commission \$						
Delayed Costs	i			_			
Equipment.				0:00	\$0	\$0	\$0
Buildings				0,00	\$0	\$0	\$0
Other (as needed)	\$2,500	24-Oct-2005	1-Aug-2010	4.77	\$ 40	\$795	\$835
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0:00	\$0	n/a	\$0
Training/Sampling				0:00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0;00	\$0	n/a	\$0
		SUBLIBUTES IN BUILDING					
Notes for DELAYED costs	system, ca	alculated from the e	ffective date of th	e prior a	greed order to the	estimated date of o	ompliance.
Avoided Costs	system, ca	alculated from the e	ffective date of th	e prior a	greed order to the item (except for	estimated date of cone-time avoided c	ompliance.
Avoided Costs	system, ca	alculated from the e	ffective date of th	e prior a	greed order to the item (except for \$0	estimated date of cone-time avoided c	osts)
Avoided Costs Disposal Personnel	system, ca	alculated from the e	ffective date of th	e prior a	item (except for \$0 \$0	estimated date of coone-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	system, ca	alculated from the e	ffective date of th	ntering 0.00 0.00	greed order to the item (except for \$0 \$0 \$0	one-time avoided c	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	system, ca	alculated from the e	ffective date of th	ntering 0.00 0.00 0.00 0.00	greed order to the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	ompliance. osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	system, ca	alculated from the e	ffective date of th	ntering 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ompliance. so \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	system, ca	alculated from the e	ffective date of th	ntering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ompliance. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	system, ca	alculated from the e	ffective date of th	ntering 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	system, ca	alculated from the e	ffective date of th	ntering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	system, ca	alculated from the e	ffective date of th	ntering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ompliance. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Respondent Sam Raykum Waller, Inc. (Lakewood Water System) Case ID No. 19837 Reg. Ent. Reference No. Rikitorisarys Media [Statute] Patilic Water Supply Ent. Coordinator Reduced Classewitz Violation Number Rule Cite(s) Tellands comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for health & Safety Code § 341.0315(c) Falled to comply with the MCL of 0.090 mg/L for the furth quarter of 2009. State Penalty Forcent	Scr	eening Date	23-Jan-2009	Docket No. 2009-0160-PWS-E	P¢W
Reg. Ent. Reference No. BNIO1190798 Modia [Statute] Patility When Supply Ent. Coordinator Response Columents 2 Rule Cite(s) Falled to comply with the MCL of 0.000 mg/L for fladoundid acids (*HAAP), beset on a number of supply of the supply	residen von	•	•		1 1
Media [Statute] Fullet Water Supply Enf. Coordinator Repeace Clausewitz Violation Number Rule Cito(s) Statution (sumber) Rule Cito(s) Statution (sumber) Rule Cito(s) Statution Description Violation Description Violation Description Statution (sumber) Statution (sumber) Statution (sumber) Statution (sumber) Statution (sumber) Statution (sumber) Violation Rule (sumber) Statution (sumber) Statution (sumber) Violation Rule (sumber) Statution (sumber) Statution (sumber) Statution (sumber) Statution (sumber) Violation Rule (sumber) Statution (sumber) Statution (sumber) Statution (sumber) Violation Subtotal Statution (sumber) Violation Subtotal Statution (sumber) Statution (sumber) Violation Subtotal Statution (sumber) Statution (sumber	Rea. Ent. Re				r Revision October 30, 2006
Violation Number 2					THE THE STATE OF T
Social Faith Efforts to Colfrigity Social Fa	9			sewitz	THE STATE OF THE S
Fallet to copy with the McL of 0.009 mgL for labeloat acids (*PASA*), based on a hundry around average. Specifically, the naming around average concentration of HAAG was 0.112 mgL for the bind quarter of 2007, 0.16 mgL for the bound quarter of 2007, 0.128 mgL for the first quarter of 2009, 0.148 mgL for the social quarter of 2008, and 0.129 mgL for the bind quarter of 2008, and 0.129 mgL for the bind quarter of 2008. **Security Commental** **Projectly did Human Health Matrix** **Harm	VIC			1 1 2 1 4 2 2 2 4 2 (V/S) - 1 T - 1 1 2 1 1 2 1 1 2 2 4 2 2 2 4 3 2 4 5	HILI HEADER
Violation Description Violation Description Violation Description Violation Description Violation Description Nation See Penalty Single refer to the first quarter of 2000, 145 mg/L for the second quarter of 2000, 145 mg/L for the second quarter of 2008, and 0.185 mg/L for the first quarter of 2008, 145 mg/L for the second quarter of 2008, and 0.185 mg/L for the second quarter of 2008, and 0.185 mg/L for the second quarter of 2008, and 0.185 mg/L for the second quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the second quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for the first quarter of 2008, and 0.185 mg/L for		,	30 Tex. Ac	Imin. Code § 290.113(f)(b) and Tex. Health & Safety Code § 341.0315(c)	
>> Environmental, Property and Human Health Matrix Harm OR Actual Potential Actual Percent Actual Actual Percent Actual Actual Percent Actual Ac	Violati	on Description	running annu was 0.112 m	al average. Specifically, the running annual average concentration of HAA5 ng/L for the third quarter of 2007, 0.115 mg/L for the fourth quarter of 2007, for the first quarter of 2008, 0.145 mg/L for the second quarter of 2008, and	
OR Rolease Major Hoderate Milnor Actual Potential Proteints Percent 25% >>Programmatic Matrix Felsitication Major Moderate Minor Percent 0% Felsitication Major Moderate Minor Percent 0%	or other and the			Base Penalty	\$1,000
OR Rolease Major Hoderate Milnor Actual Potential Proteints Percent 25% >>Programmatic Matrix Felsitication Major Moderate Minor Percent 0% Felsitication Major Moderate Minor Percent 0%	>> Environmental	. Property an	d Human H	ealth Matrix	
Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Falsification September 10%				Harm	
>>Prograffunatic Matrix Falsification Major Moderate Minor Percent 0% Metrix Notes Exceeding the MCL for HAAS has exposed the customers of the water system to significant amounts of contaminants, which do not exceed levels that are protective of human health. Adjustment 5760 \$260 Violation Events Number of Violation Events Number of Violation Events Violation Base Penalty Two annual X semiannual X single event Two annual events are recommended. Cool Faith Efforts to Comply Ordinary Ordinary NAA X mark with x) Notes The Respondent does not meet the good faith critoria for this violation. Violation Subtotat \$500 Economic Behefit (EB) for this violation Statistory Limit Test Estimated EB Amount 50 Violation Final Penalty Total 5820	OR	-	wajor 		
Falsification Major Moderate Minor Percent 10%		Potential		Percent 25%	
Falsification Major Moderate Minor Percent 10%	>>Programmatic	Matrix	lage e.,	Commence of the second	
Exceeding the MCL for HAA5 has exposed the customers of the water system to significant amounts of contaminants, which do not exceed levels that are protective of human hoalth. Adjustment		KARE-SIE K."	Major		
Notes Contaminants, which do not exceed levels that are protective of human health. Adjustment S750				Percent 0%	
Violation Events Number of Violation Events Violation Events 2	1.				
Violation Events Number of Violation Events Violation Events 2		<u> </u>			1
Number of Violation Events 2				Adjustment \$750	
Number of Violation Events 2 457 Number of violation days daily weekfy monthly quarterly semiannual annual x single event	· roce voluments				\$250
Good Faith Efforts to Comply Extraordinary Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation Statutory Limit Test Estimated EB Amount \$500 Violation Base Penalty \$500 \$500 Violation Base Penalty \$500 \$	Violation Events				
Weekly monthly quarterly semiannual annual single event Two annual events are recommended. Two annual events are recommended. Soo annual events are rec	000 mm marana 1000 mm m m m m m m m m m m m m m m m m	Number of Vi	olation Events	2 457 Number of violation days	
Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$820			weekly monthly quarterly semiannual annual	Violation Base Penalty	\$500
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 for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$820				Two annual events are recommended.	A Parameter State of the State
N/A X (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$820	Good Faith Efforts		Extraordinary		\$0
Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$820	ancial of Cities.		Ordinary		
Violation Subtotal \$500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$820	Action Action		N/A	X (mark with x)	prom a makeur
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$820			Notes		a verificación de la company
Estimated EB Amount \$0 Violation Final Penalty Total \$820	I Y the property			Violation Subtotal	\$500
	Economic Benefit	(EB) for this	violation	Statutory Limit Test	
This violation Final Assessed Penalty (adjusted for limits) \$820		Estimate	d EB Amount(\$0 Violation Final Penalty Total	\$820
	The state of the s			This violation Final Assessed Penalty (adjusted for limits)	\$820

	E	conomic E	3enefit W	orks	heet		
Respondent	: Sam Rayburn V	Vater, Inc. (Lakewoo	od Water System)			
Case ID No.	. 19857		,	•			
Reg. Ent. Reference No.							
	Public Water S	uanly					Years of
Violation No.		-64.7				Percent Interest	Depreciation
Violation No.						5.0	15
						by mercuranteer and a second second	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$						
Delayed Costs							
Delayeu Gosts Equipment	ĺ			0;00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0:00	\$0	n/a	\$0
Remediation/Disposal				0,00	\$0	n/a	\$0
Permit Costs				0.00	\$0	i ⊵″n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs		yed costs associate	d with this violatio	on are inc	cluded in the econ	omic benefit of viola	tion no. 1.
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	UALIZE [1] avoide	d costs before e	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	so so so	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	ANN	UALIZE [1] avoide	d costs before e	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	UALIZE [1] avoide	d costs before e	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	UALIZE [1] avoide	d costs before e	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide	d costs before e	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Compliance History Report

Customer/Respondent/Owner-Operator:

CN600636112

Sam Rayburn Water, Inc.

Classification:

Rating:

Regulated Entity:

RN101189736

LAKEWOOD WATER SYSTEM Classification:

Site Rating:

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY

REGISTRATION

2030006

WATER LICENSING

LICENSE

2030006

Location:

1 MILE EAST OF FM 705 & 2 MILES SOUTH OF FM 83, SAN AUGUSTINE COUNTY, TEXAS

TCEQ Region:

REGION 10 - BEAUMONT

Date Compliance History Prepared:

January 29, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

January 29, 2004 to January 29, 2009

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

Rebecca Clausewitz

(210) 403-4012

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?

Νo

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 judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 10/24/2005

ADMINORDER 2004-1508-PWS-E

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.113(b)(1)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Exceedance of (TTHM) Maximum Contaminant Level (MCL) of 0.080 mg/L.

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

N/A

C. Chronic excessive emissions events.

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

> 1 09/07/2004 2 09/14/2004

(333356)

3 11/18/2004

(333975)(339304)

4 12/11/2007

(705582)

5 12/11/2007

(706562)

6 02/08/2008

(706564)

7 02/08/2008

(706569)

8 08/01/2008

(681914)

9 08/06/2008

(706572)

10 08/06/2008

(706580)

11 09/03/2008

(706589)

12 09/15/2008 13 12/30/2008 (706591)(707666) E.

Date: 11/17/2004

(339304)

CN600636112

Self Report?

30 TAC Chapter 290, SubChapter F 290.121 Citation:

Description:

Failure to have a monitoring plan.

(706562)

CN600636112

Date: 12/11/2007 Self Report?

Classification:

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Moderate

Citation:

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for trihalomethanes during the third quarter of 2007.

Date: 12/11/2007

(705582)

CN600636112

Self Report? Citation:

Classification: Moderate

Moderate

Minor

Minor

Minor

Minor

Moderate

Moderate

Moderate

30 TAC Chapter 290, SubChapter F 290,113(f)(5)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for haloacetic acids during the third quarter of 2007.

Date: 02/08/2008

(706569)Self Report?

CN600636112

Classification: Moderate

Classification:

Classification:

Classification:

Classification:

Classification:

Classification: Minor

Citation:

(706564)

30 TAC Chapter 290, SubChapter F 290,113(f)(4) 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Date: 02/08/2008

Self Report? NO CN600636112

30 TAC Chapter 290, SubChapter F 290.113(f)(5)

Citation:

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for haloacetic acids during the fourth quarter of 2007.

Date: 08/01/2008

(681914)

CN600636112 Classification:

Self Report? NO Citation:

30 TAC Chapter 290, SubChapter F 290.121

Description:

Failure to have a monitoring plan.

Self Report? Citation:

30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: NO

Failure to calibrate the well's meter at least once every three years.

Self Report? Citation:

30 TAC Chapter 290, SubChapter D 290.46(v)

Description:

Failure to have all wires in securely mounted conduit. Classification:

Self Report? Citation:

Description:

30 TAC Chapter 290, SubChapter D 290.46(m)

Self Report?

Failure to maintain the pressure tanks (corrosion).

NO

Citation: Description:

30 TAC Chapter 290, SubChapter D 290.44(c) Failure to provide the required minimum waterline size.

Date: 08/06/2008

CN600636112 Classification:

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Citation:

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 08/06/2008

(706572)

(706580)

CN600636112

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.113(f)(5)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Citation:

Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.

Date: 09/03/2008

(706589)

CN600636112

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.113(f)(5)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Citation:

Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

Classification:

Date: 09/15/2008

(706591)

CN600636112

Self Report? NO 30 TAC Chapter 290, SubChapter F 290.113(f)(4) Classification: Moderate

Moderate

Citation:

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.

F. Environmental audits

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

l. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

	·			:
		·		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
SAM RAYBURN WATER, INC.	§	
RN101189736	§	
RN101274165	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-0160-PWS-E

At its	agenda, the Texas Commission on Environmental Quality ("the
Commission"	or "TCEQ") considered this agreement of the parties, resolving an enforcement action
regarding Sam	Rayburn Water, 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 pro	esented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

- 1. The Respondent owns and operates two public water supplies:
 - a. Lakewood Water System (the "Lakewood Facility") which is located approximately one mile east of FM 705 and two miles south of FM 83 in San Augustine County, Texas, has approximately 34 service connections or serves at least 25 people per day for at least 60 days per year; and
 - b. Powell Point Water System (the "Powell Point Facility") which is located at the intersection of FM 705 and FM 3127 in San Augustine County, Texas, has approximately 177 connections and serves at least 25 people per day for at least 60 days per year.

- 2. During a record review conducted on October 14, 2008, TCEQ staff documented that the Respondent did not comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average at the Lakewood Facility. Specifically, the running annual average concentration of TTHM was 0.297 mg/L for the third quarter of 2007, 0.289 mg/L for the fourth quarter of 2007, 0.295 mg/L for the first quarter of 2008, 0.251 mg/L for the second quarter of 2008, and 0.330 mg/L for the third quarter of 2008.
- 3. During a record review conducted on October 14, 2008, TCEQ staff documented that the Respondent did not comply with the MCL of 0.060 mg/L for haloacetic acids ("HAA5"), based on a running annual average at the Lakewood Facility. Specifically, the running annual average concentration of HAA5 was 0.112 mg/L for the third quarter of 2007, 0.115 mg/L for the fourth quarter of 2007, 0.128 mg/L for the first quarter of 2008, 0.145 mg/L for the second quarter of 2008, and 0.156 mg/L for the third quarter of 2008.
- 4. During a record review conducted on February 4, 2009, TCEQ staff documented that the Respondent did not comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average at the Powell Point Facility. Specifically, the running annual average concentration of TTHM was 0.150 mg/L for the fourth quarter of 2006, 0.156 mg/L for the first quarter of 2007, 0.162 mg/L for the second quarter of 2007, 0.168 mg/L for the third quarter of 2007, 0.161 mg/L for the fourth quarter of 2007, 0.159 mg/L for the first quarter of 2008, 0.139 mg/L for the second quarter of 2008, and 0.170 mg/L for the third quarter of 2008.
- 5. During a record review conducted on February 4, 2009, TCEQ staff documented that the Respondent did not comply with MCL of 0.060 mg/L for HAA5, based on a running annual average, at the Powell Point Facility. Specifically, the running annual average concentration of HAA5 was 0.067 mg/L for the second quarter of 2007, 0.071 mg/L for the third quarter of 2007, 0.069 mg/L for the fourth quarter of 2007, 0.069 mg/L for the first quarter of 2008, 0.065 mg/L for the second quarter of 2008, and 0.077 mg/L for the third quarter of 2008.
- 6. The Respondent received notices of the violations dated October 16, 2008 and February 6, 2009.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the MCL of 0.080 mg/L" for TTHM, based on a running annual average at the Lakewood Facility, in violation of 30 Tex. Admin. Code § 290.113(f)(4), Tex. Health & Safety Code § 341.0315(c), and Agreed Order Docket No. 2004-1508-PWS-E, Ordering Provision 2.a.
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the MCL of 0.060 mg/L for HAA5, based on a running annual average at the Lakewood Facility, in violation of 30 Tex. ADMIN. CODE § 290.113(f)(5) and Tex. Health & Safety Code § 341.0315(c).

- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average at the Powell Point Facility, in violation of 30 Tex. ADMIN. CODE § 290.113(f)(4), Tex. Health & Safety Code § 341.0315(c), and Agreed Order Docket No. 2005-1228-PWS-E, Ordering Provision 2.a.
- 5. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with the MCL of 0.060 mg/L for HAA5, based on a running annual average at the Powell Point Facility, in violation of 30 Tex. Admin. Code § 290.113(f)(5) and Tex. Health & Safety Code § 341.0315(c).
- 6. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent 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.
- 7. An administrative penalty in the amount of Four Thousand Four Hundred Seventy-Five Dollars (\$4,475) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b).

III. ORDERING PROVISIONS

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

The Respondent is assessed an administrative penalty in the amount of Four Thousand Four 1. Hundred Seventy-Five Dollars (\$4,475) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The Respondent has paid One Hundred Fifty-Five Dollars (\$155) of the administrative penalty. The remaining amount of Four Thousand Three Hundred Twenty Dollars (\$4,320) of the administrative penalty shall be payable in 36 monthly payments of One Hundred Twenty Dollars (\$120) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes failure to timely and satisfactorily comply with all the terms of this Agreed Order. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sam Rayburn Water, Inc., Docket No. 2009-0160-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. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for TTHM and HAA5 at the Lakewood Facility and the Powell Point Facility, in accordance with 30 TEX. ADMIN. CODE § 290.113; and
 - b. Within 380 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.a. 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 fines 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:

DBP Compliance Coordinator Public Drinking Water Section, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

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 Lakewood Facility and the Powell Point 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. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. 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.
- 7. 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.
- 8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
- 9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. ADMIN. CODE § 70.10(b) and Tex. GOV'T CODE § 2001.142.

For the Commission

SIGNATURE PAGE

I, the undersigned, have read and understand the attached Agreed Order in the matter of Sam Rayburn Water, Inc. I am authorized to agree to the attached Agreed Order on behalf of Sam Rayburn Water, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting

I understand that by entering into this Agreed Order, Sam Rayburn Water, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to

full and final adjudication by the Commission of the violations set forth in this Agreed Order.

Date 10/30/2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

payment for the penalty amount, is materially relying on such representation.

timely pay the penalty amount, may result in:	•
 A negative impact on compliance history 	ry;
Greater scrutiny of any permit application	ions submitted;
 Referral of this case to the Attorney C 	General's Office for contempt, injunctive relief, additional
penalties, and/or attorney fees, or to a c	
 Increased penalties in any future enforce 	ement actions;
	eral's Office of any future enforcement actions; and
 TCEQ seeking other relief as authorized 	· · · · · · · · · · · · · · · · · · ·
In addition, any falsification of any compliance	documents may result in criminal prosecution.
Signatura	9/21/09 Date
Signature	Date
DON JOHNSON	PRESIDENT
Name (Printed or typed)	Title
Authorized Representative of	
Sam Rayburn Water, Inc.	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues

Section at the address in Section III, Paragraph 1 of this Agreed Order.