

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0103-PWS-E TCEQ ID: RN101437135 CASE NO.: 35128

RESPONDENT NAME: ANN ROBINSON DBA BEACHVIEW ACRES WATER ASSOCIATION

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

SITE WHERE VIOLATION(S) OCCURRED: Off Farm-to-Market Road 2604, West of Farm-to-Market Road 933, Hill County

TYPE OF OPERATION: Public water system

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional enforcement actions pending against this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired December 21, 2009. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney: Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Water Enforcement Section, MC 169, (512) 239-1482
TCEQ Regional Contact: Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3001
Respondent: Ms. Ann Robinson, Beachview Acres Water Association, 124 Beachview Loop, Whitney, Texas 76692-4518
Respondent's Attorney: Not represented by counsel on this enforcement matter.

**RESPONDENT NAME: ANN ROBINSON DBA
BEACHVIEW ACRES WATER ASSOCIATION
DOCKET NO.: 2008-0103-PWS-E**

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 12, 2007</p> <p>Date of NOE Relating to this Case: January 3, 2008</p> <p>Background Facts: The EDPRP was filed on July 29, 2008. The Respondent filed an answer and the case was referred to SOAH. An agreed order was signed on October 22, 2009. A revised agreed order was signed on December 17, 2009.</p> <p>Current Compliance Status: The Respondent has installed approximately 1/2 of the total number of meters required by Ordering Provision 5.</p> <p>PWS:</p> <ol style="list-style-type: none"> 1. Failed to provide the water system's operating records for Commission review during its inspections [30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(A)(ii)(III)]. 2. Failed to locate a well site for public drinking water at least 150 feet from a septic tank drainfield [30 TEX. ADMIN. CODE § 290.41(c)(1)(A)]. 3. Failed to provide an accurate and up-to-date map of the distribution system [30 TEX. ADMIN. CODE § 290.46(n)(2)]. 4. Failed to provide an accurate metering device for each residential, commercial, or industrial service connection for the accumulation of water usage data [30 TEX. ADMIN. CODE § 290.44(d)(4)]. 	<p>Total Assessed: \$3,093</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$193/\$2,900</p> <p>The Respondent paid \$193 of the administrative penalty. The remaining amount of \$2,900 shall be payable in twenty-nine monthly payments of \$100 each.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:</p> <ol style="list-style-type: none"> 1. On October 20, 2008, provided documentation verifying that the Respondent is maintaining records of monthly bacteriological testing and the amount of water treated each week (violation no. 1); 2. On October 20, 2008, provided an accurate and up to date map of the distribution system showing the location of gate valves (violation no. 3); 3. On October 28, 2008, provided documentation showing an air filter was installed on the air line feeding the pressure tank (violation no. 5); 4. On February 4, 2008, began monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days (violation no. 9); 5. On October 20, 2008, provided a complete and up-to-date chemical and microbiological monitoring plan (violation no. 8); 6. On October 28, 2008, provided documentation that a legible sign was posted at each production, treatment, and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted (violation no. 10); and 7. On February 6, 2008, began collecting and submitting monthly water samples for bacteriological analysis (violation no. 11). <p>Ordering Provision(s):</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days: <ol style="list-style-type: none"> a. Conduct and record the results of annual inspections of the ground storage tank (violation no. 6); and

**RESPONDENT NAME: ANN ROBINSON DBA
BEACHVIEW ACRES WATER ASSOCIATION
DOCKET NO.: 2008-0103-PWS-E**

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to provide an air filter on the air injection line [30 TEX. ADMIN. CODE § 290.290.43(d)(3)].</p> <p>6. Failed to conduct an annual inspection of the water system's ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>7. Failed to compile and maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>8. Failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Respondent will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121].</p> <p>9. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].</p> <p>10. Failed to maintain a legible sign at each production, treatment, and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>11. Failed to collect and submit monthly water samples for bacteriological analysis for the months of August, September, and October 2007 [30 TEX. ADMIN. CODE § 290.109(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>12. Failed to provide all dead-end mains with acceptable flush valves [30 TEX. ADMIN. CODE § 290.44(d)(6)].</p>		<p>b. Submit a monthly progress report detailing the progress towards compliance with Ordering Provision 5, below, and continue to submit monthly progress reports until Ordering Provision 5 is completely satisfied;</p> <p>2. Within 45 days, submit documentation to certify compliance with Ordering Provisions 1.a. and 1.b.</p> <p>3. Within 60 days:</p> <p>a. Compile and begin maintaining an up-to-date and thorough plant operation manual for operator review and reference (violation no. 7); and</p> <p>b. Install flush valves on all dead-end mains that are less than two inches in diameter and do not end at a service connection (violation no. 12).</p> <p>4. Within 75 days, submit written certification to demonstrate compliance with Ordering Provisions 3.a. and 3.b.</p> <p>5. Within 270 days, install accurate metering devices at each residential, commercial and industrial service connection for the accumulation of water usage data (violation no. 4).</p> <p>6. Within 285 days, submit written certification to demonstrate compliance with Ordering Provision 5.</p> <p>7. Within 360 days, ensure the well site is not located within 150 feet of the septic tank drainfield (violation no. 2).</p> <p>8. Within 375 days, submit written certification to demonstrate compliance with Ordering Provision 7.</p>



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	7-Jan-2008			
	PCW	8-Jan-2008	Screening	8-Jan-2008	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Ann Robinson dba Beachview Acres Water Association				
Reg. Ent. Ref. No.	RN101437135				
Facility/Site Region	9-Waco	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	35128	No. of Violations	12		
Docket No.	2008-0103-PWS-E	Order Type	1660		
Media Program(s)	Public Water Supply	Enf. Coordinator	Andrea Linson-Mgbeoduru		
Multi-Media		EC's Team	Enforcement Team 2		
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,260
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	13% Enhancement	Subtotals 2, 3, & 7	\$293
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Notes: Enhancement is due to one prior Notice of Violation that contained violations that are the same or similar to those in the current enforcement action and four Notices of Violation with dissimilar violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,170	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$11,790	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,553
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OTHER FACTORS AS JUSTICE MAY REQUIRE	21%	Adjustment	\$540
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement is recommended for recovery of avoided costs.

Final Penalty Amount	\$3,093
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,093
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.,

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$3,093
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Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

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	4	8%
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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 13%

>> 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 is due to one prior Notice of Violation that contained violations that are the same or similar to those in the current enforcement action and four Notices of Violation with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 13%

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and 290.46(f)(3)(A)(ii)(III)

Violation Description Failed to provide the water system's operating records for Commission review during inspections. Specifically, at the time of the investigation, it was documented that microbiological records for the period of February 2007 through November 2007 were not available for review. In addition, it was noted that the system does not maintain records of the quantity of water treated each week.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
The Respondent failed to meet 100% of the rule requirement.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 57 Number of violation days

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

Violation Base Penalty \$200

Two single events are recommended, based on one single event for each record.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$274

This violation Final Assessed Penalty (adjusted for limits) \$274

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

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				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	\$200	12-Nov-2007	31-Aug-2008	0.8	\$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 provide and begin maintaining a record keeping system, including but not limited to recording the amount of water treated each week and maintaining microbiological records. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$8

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 2

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

Violation Description Failed to locate a well site for public drinking water at least 150 feet from a septic tank drainfield. Specifically, at the time of the investigation, it was documented that the distance from the well to the septic tank drainfield serving the Pioneer Cove Store measured approximately 140 feet.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5%
Potential				x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment could be exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 57

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$68

This violation Final Assessed Penalty (adjusted for limits) \$68

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

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
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	12-Nov-2007	31-Oct-2008	1.0	\$24	n/a	\$24

Notes for DELAYED costs
 The delayed costs includes the amount to apply for an exception and maintain a procedure for testing the well on a monthly basis as to ensure the well remains uncontaminated by septic drain-off in close proximity to the well. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$24

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 3

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

Violation Description Failed to provide an accurate, and up-to-date map of the distribution system. Specifically at the time of the investigation, the map of the distribution system that was reviewed did not include the location of the gate valves.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential			0%	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
The Respondent failed to meet 50% of the rule requirement.					

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 57 Number of violation days

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

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$68

This violation Final Assessed Penalty (adjusted for limits) \$68

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	12-Nov-2007	31-Aug-2008	0.8	\$20	n/a	\$20
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 cost includes the amount to update the map of the distribution system. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$20

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.44(d)(4)

Violation Description Failed to provide an accurate metering device for each residential, commercial or industrial service connection for the accumulation of water usage data.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential			0%	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		x			
	The Respondent failed to meet 100% of the rule requirement.				
Adjustment					\$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 57

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$611

Violation Final Penalty Total \$137

This violation Final Assessed Penalty (adjusted for limits) \$137

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$4,500	12-Nov-2007	31-Oct-2008	1.0	\$15	\$291	\$306
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$4,500	12-Nov-2007	31-Oct-2008	1.0	\$15	\$291	\$306
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 cost includes the amount to purchase and install a water meter at each residential, industrial, and commercial service site. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$9,000	TOTAL	\$611
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Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(3)

Violation Description Failed to provide an air filter on the air injection line. Specifically, at the time of the investigation, it was documented that neither the air compressor nor the air line feeding the pressure tank was equipped with a filter to prevent contaminants or lubricants from entering the pressure tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential		x		10%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Failing to equip air injection lines with filters could expose customers of the water supply to lubricants and other significant amounts of contaminants which would not exceed levels that are protective of human health.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, November 12, 2007, to the screening date January 8, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$137

This violation Final Assessed Penalty (adjusted for limits) \$137

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$100	12-Nov-2007	30-Sep-2008	0.9	\$0	\$6	\$6
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 cost includes the amount to equip the air compressor line with a filter. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$6

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 6

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

Violation Description Failed to conduct an annual inspection on the water system's ground storage tank. Specifically, at the time of the investigation, it was documented that the Respondent did not conduct an annual inspection of the ground storage tank within the previous 12 months.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential		x		10%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Failure to perform annual inspections of the storage tanks could result in non-detection of tank defects that could expose customers of the water supply to significant amounts of contaminants which would not exceed levels that are protective of human health.					
Adjustment					\$900

\$100

Violation Events

Number of Violation Events 1 365 Number of violation days

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

Violation Base Penalty \$100

One annual event is recommended for the 12 months prior to the investigation date of November 12, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$315

Violation Final Penalty Total \$137

This violation Final Assessed Penalty (adjusted for limits) \$137

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

Media Public Water Supply

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	12-Nov-2006	12-Nov-2007	1.0	\$15	\$300	\$315
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to have the ground storage tank inspected, calculated for 12 months prior to the investigation date.

Approx. Cost of Compliance \$300

TOTAL \$315

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 7

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

Violation Description Failed to compile and maintain a thorough plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

1

57 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$137

This violation Final Assessed Penalty (adjusted for limits) \$137

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

Media Public Water Supply

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	12-Nov-2007	31-Oct-2008	1.0	\$12	n/a	\$12
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 develop and maintain a facility operational manual. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$12

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 8

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

Violation Description Failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, at the time of the investigation, it was documented that the facility does not have a chemical and microbiological monitoring plan.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10%

Matrix Notes The Respondent failed to meet 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

		1	57	Number of violation days
mark only one with an x	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$137

This violation Final Assessed Penalty (adjusted for limits) \$137

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

Media Public Water Supply

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	12-Nov-2007	31-Aug-2008	0.8	\$10	n/a	\$10
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to develop and implement a chemical and microbiological monitoring plan. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$10

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A)

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

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Failure to monitor the disinfectant on a weekly basis could result in customers of the water supply being exposed to significant amounts of improperly treated water which would exceed levels protective of human health					
Adjustment					\$750

\$250

Violation Events

Number of Violation Events 2 57 Number of violation days

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

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the investigation date, November 12, 2007, to the screening date, January 8, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$95

Violation Final Penalty Total \$684

This violation Final Assessed Penalty (adjusted for limits) \$684

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

Media Public Water Supply

Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$90	12-Nov-2007	8-Jan-2008	1.1	\$5	\$90	\$95
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform weekly monitoring of the disinfectant residual in the system (\$10 per week). The date required is the investigation date. The final date is the screening date.

Approx. Cost of Compliance \$90

TOTAL \$95

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 10

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

Violation Description Failed to maintain a legible sign at each production, treatment and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted. Specifically, at the time of the investigation, it was documented that the phone number listed on the sign at the storage and treatment facility was not a working number.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1%

Matrix Notes Less than 5% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 57 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$10

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$14

This violation Final Assessed Penalty (adjusted for limits) \$14

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

Media Public Water Supply

Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	12-Nov-2007	30-Sep-2008	0.9	\$2	n/a	\$2

Notes for DELAYED costs

The delayed costs includes the amount to repair or replace the sign at the water supply. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$2

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(A) and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to collect and submit monthly water samples for bacteriological analysis for the months of August, September, and October 2007.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to collect samples may expose the public to a significant amount of undetected contaminants that exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 92 Number of violation days

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$750

Three monthly events are recommended, calculated from the months of August to October 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$1,026

This violation Final Assessed Penalty (adjusted for limits) \$1,026

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

Media Public Water Supply

Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$150	1-Aug-2007	31-Oct-2007	0.2	\$2	\$37	\$39
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform monthly bacteriological monitoring for the months the Respondent did not sample.

Approx. Cost of Compliance \$150

TOTAL \$39

Screening Date 8-Jan-2008

Docket No. 2008-0103-PWS-E

PCW

Respondent Ann Robinson dba Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

V12 12

Rule Cite(s)

30 Tex. Admin. Code § 290.44(d)(6)

Violation Description

Failed to provide all dead-end mains with acceptable flush valves. Specifically, at the time of the investigation, it was documented that the two dead-end mains did not have any valves to flush the mains.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide dead-end mains with flush valves could result in customers of the water supply being exposed to significant amounts of pollutants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

57 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$200

Two quarterly events are recommended, based on one quarterly event for each dead-end main, calculated from the investigation date, November 12, 2007, to the screening date, January 8, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$274

This violation Final Assessed Penalty (adjusted for limits) \$274

Economic Benefit Worksheet

Respondent Ann Robinson dba Beachview Acres Water Association

Case ID No. 35128

Reg. Ent. Reference No. RN101437135

Media Public Water Supply

Violation No. 12

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	\$400	12-Nov-2007	31-Oct-2008	1.0	\$1	\$26	\$27
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 to install valves on all dead-end mains throughout the distribution system. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$400

TOTAL \$27

Compliance History

Customer/Respondent/Owner-Operator:	CN603272162 ROBINSON, ANN	Classification:	Rating:
Regulated Entity:	RN101437135 BEACHVIEW ACRES WATER ASSOCIATION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1090045
	WATER LICENSING	LICENSE	1090045
Location:	OFF FARM-TO-MARKET ROAD 2304 WEST OF FARM-TO-MARKET ROAD 933, HILL COUNTY, TX		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	January 31, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 31, 2003 to January 31, 2008		

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

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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 | 06/27/2003 | (374872) | |
| 2 | 07/24/2003 | (375322) | |
| 3 | 01/20/2004 | (375326) | |
| 4 | 05/12/2004 | (269177) | |
| 5 | 09/27/2004 | (288595) | |
| 6 | 05/18/2005 | (377970) | |
| 7 | 06/06/2005 | (393743) | |
| 8 | 01/02/2008 | (599581) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|--------------------------|
| Date: | 06/27/2003 | (374872) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(f)(3) | | |
| Description: | EXCEEDED A MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION IN 06/2003. | | |
| | | | |
| Date: | 07/24/2003 | (375322) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(f)(3) | | |
| Description: | EXCEEDED A MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION IN 07/2003. | | |
| | | | |
| Date: | 09/17/2003 | (375322) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii) | | |
| Description: | FAILURE TO COLLECT ANY REPEAT SAMPLES IN 07/2003 FOLLOWING A COLIFORM FOUND RESULT. | | |
| | | | |
| Date: | 01/20/2004 | (375326) | |

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: FAILURE TO COLLECT ALL 5 DISTRIBUTION SAMPLES IN 08/2003 FOLLOWING A COLIFORM FOUND MONTH.
Date: 04/27/2004 (269177)

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 290.44(d)(5)
Description: Failure to provide the regulated entity with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service over any considerable area and for flushing the lines when required.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)
Description: Failure to provide a well casing eighteen inches above the ground surface.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to provide an intruder-resistant fence in order to protect the ground storage tank.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)
Description: Failure to locate a well site for a public drinking water system at least 150 feet from a septic tank drain field.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)
Description: Failure to properly install the well blow-off line.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failure to maintain and make available an accurate and up-to-date map of the distribution system.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(B)
Description: Failure to collect water samples for bacteriological analysis according to your sample site plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(4)
30 TAC Chapter 291, SubChapter E 291.89(a)(4)
Description: Failure to provide a metering device at each residential, commercial, or industrial service connection for the accumulation of water usage data.

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
ANN ROBINSON DBA
BEACHVIEW ACRES WATER
ASSOCIATION;
RN101437135

§
§
§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0103-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ann Robinson dba Beachview Acres Water Association ("Beachview Acres") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Beachview Acres, appear before the Commission and together stipulate that:

1. Beachview Acres owns and operates a public water system located off Farm-to-Market Road 2604, West of Farm-to-Market Road 933 in Hill County, Texas (the "Facility") that has approximately 44 service connections and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Commission and Beachview Acres agree that the Commission has jurisdiction to enter this Agreed Order, and that Beachview Acres is subject to the Commission's jurisdiction.
4. Beachview Acres received notice of the violations alleged in Section II ("Allegations") on or about January 8, 2008.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Beachview Acres of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of three thousand ninety-three dollars (\$3,093.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Beachview Acres has paid one hundred ninety-three dollars (\$193.00) of the administrative penalty. The remaining amount of two thousand nine hundred dollars (\$2,900.00) of the administrative penalty shall be payable in twenty-nine monthly payments of one hundred dollars (\$100.00) 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 Beachview Acres fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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 Beachview Acres to meet the payment schedule of this Agreed Order constitutes the failure by Beachview Acres to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. 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.
8. The Executive Director of the TCEQ and Beachview Acres have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Beachview Acres has implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. On October 20, 2008, provided documentation verifying that Beachview Acres is maintaining records of monthly bacteriological testing and the amount of water treated each week;
 - b. On October 20, 2008, provided an accurate and up to date map of the distribution system showing the location of gate valves;
 - c. On October 28, 2008, provided documentation showing an air filter was installed on the air line feeding the pressure tank;
 - d. On February 4, 2008, began monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days;

- e. On October 20, 2008, provided a complete and up-to-date chemical and microbiological monitoring plan;
 - f. On October 28, 2008, provided documentation that a legible sign was posted at each production, treatment, and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted;
 - g. On February 6, 2008, began collecting and submitting monthly water samples for bacteriological analysis.
10. 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 Beachview Acres has not complied with one or more of the terms or conditions in this Agreed Order.
 11. 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.
 12. 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

During an investigation conducted on November 12, 2007, a TCEQ Waco Regional Office investigator documented that Beachview Acres violated:

1. 30 TEX. ADMIN. CODE §§ 290.46(f)(2) and 290.46(f)(3)(A)(ii)(III) by failing to provide the Facility's operating records for Commission review during its inspections. Specifically, microbiological records for the period of February 2007 through November 2007 were not available for review. In addition, Beachview Acres did not maintain records of the quantity of water treated each week.
2. 30 TEX. ADMIN. CODE § 290.41(c)(1)(A) by failing to locate a well site for public drinking water at least 150 feet from a septic tank drainfield. Specifically, the distance from the well to the septic tank drainfield serving the Pioneer Cove Store was approximately 140 feet.
3. 30 TEX. ADMIN. CODE § 290.46(n)(2) by failing to provide an accurate and up-to-date map of the distribution system. Specifically, the map of the distribution system reviewed at the time of the investigation did not include the location of the gate valves.

4. 30 TEX. ADMIN. CODE § 290.44(d)(4) by failing to provide an accurate metering device for each residential, commercial, or industrial service connection for the accumulation of water usage data.
5. 30 TEX. ADMIN. CODE § 290.43(d)(3) by failing to provide an air filter on the air injection line. Specifically, neither the air compressor nor the air line feeding the pressure tank was equipped with a filter to prevent contaminants or lubricants from entering the pressure tank.
6. 30 TEX. ADMIN. CODE § 290.46(m)(1)(A) by failing to conduct an annual inspection of the Facility's ground storage tank. Specifically, Beachview Acres did not conduct an annual inspection of the ground storage tank within the 12 months prior to the investigation.
7. 30 TEX. ADMIN. CODE § 290.42(l) by failing to compile and maintain a thorough plant operations manual for operator review and reference.
8. 30 TEX. ADMIN. CODE § 290.121 by failing to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that Beachview Acres will use to comply with the monitoring requirements. Specifically, the Facility did not have a chemical and microbiological monitoring plan.
9. 30 TEX. ADMIN. CODE § 290.110(c)(4)(A) by failing to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.
10. 30 TEX. ADMIN. CODE § 290.46(t) by failing to maintain a legible sign at each production, treatment, and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted. Specifically, the phone number listed on the sign at the storage and treatment facility was not a working number.
11. 30 TEX. ADMIN. CODE § 290.109(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d) by failing to collect and submit monthly water samples for bacteriological analysis for the months of August, September, and October 2007.
12. 30 TEX. ADMIN. CODE § 290.44(d)(6) by failing to provide all dead-end mains with acceptable flush valves. Specifically, the two dead-end mains did not have any valves to flush the mains.

III. DENIALS

Beachview Acres generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Beachview Acres pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Beachview Acres' 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 sent with the notation "Re: Ann Robinson dba Beachview Acres Water Association; Docket No. 2008-0103-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. Beachview Acres shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Conduct and record the results of annual inspections of the ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Submit a monthly progress report detailing the progress towards compliance with Ordering Provision 2.e, including the number of metering devices which have been installed, the number of metering devices remaining to be installed, the amount of money on hand allocated for installation of metering devices, and any other supporting documentation showing Beachview Acres' progress toward compliance with Ordering Provision 2.e. Beachview Acres shall submit subsequent progress reports not later than 30 days after the due date of the previous progress report until Ordering Provision 2.e is completely satisfied. The monthly progress reports 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

- b. Within 45 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.i.;
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Compile and begin maintaining an up-to-date and thorough plant operation manual for operator review and reference, as required by 30 TEX. ADMIN. CODE § 290.42; and
 - ii. Install flush valves on all dead-end mains that are less than two inches in diameter and do not end at a service connection, as required by 30 TEX. ADMIN. CODE § 290.44;
- d. Within 75 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.c.i. and 2.c.ii.;
- e. Within 270 days after the effective date of this Agreed Order, install accurate metering devices at each residential, commercial and industrial service connection for the accumulation of water usage data, as required by 30 TEX. ADMIN. CODE § 290.44;
- f. Within 285 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.e.;
- g. Within 360 days after the effective date of this Agreed Order, ensure the well site is not located within 150 feet of the septic tank drainfield, as required by 30 TEX. ADMIN. CODE § 290.41, or obtain an exception to the rule, in accordance with 30 TEX. ADMIN. CODE § 290.39;

- h. Within 375 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.g. 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:

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 Beachview Acres. Beachview Acres is ordered to give notice of this 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 Beachview Acres shall be made in writing to the Executive Director. Extensions are not effective until Beachview Acres 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 Beachview Acres 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 the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
6. 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to Beachview Acres, or three days after the date on which the Commission mails notice of this Agreed Order to Beachview Acres, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Ann Robinson dba Beachview Acres Water Association
DOCKET NO. 2008-0103-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

12/21/2009
Date

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

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

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

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


Signature

12-17-09
Date

Ann E. Robinson
Name (Printed or typed)
Authorized representative of
Ann Robinson dba Beachview Acres Water Association

Operator/Director
Title