

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO. 2007-1565-PWS-E RN101207108 CASE NOS. 29872 AND 34690
RESPONDENT NAME: ANNA JEFFCOAT DBA LAKESHORE SITES WATER COMPANY**

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 RIGHTS	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION OCCURRED: 792 Jeffcoat Road, Haskell, Haskell County</p> <p>TYPE OF OPERATION: Public water system</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: No one other than the ED and Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 13, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400 TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Water Enforcement Section, MC R-13, (210) 403-4012 TCEQ Regional Contact: Mr. Cliff Moore, Abilene Regional Office, MC R-3, (325) 698-6115 Respondent: Ms. Anna Jeffcoat, Owner, Lakeshore Sites Water Company, 380 Jeffcoat Road, Haskell, Texas 79521 Respondent's Attorney: Mr. Patrick G. Hubbard, Attorney at Law, 1306 Kingwood Drive, Kingwood, Texas 77339</p>		

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 checked="" type="checkbox"/> Records Review</p> <p>Dates of Complaint Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: June 7, 2006 (Records Review) August 7, 2007 (Routine Investigation)</p> <p>Dates of NOEs Relating to this Case: July 18, 2006 and August 27, 2007</p> <p>Background Facts: The EDPRP was filed on September 7, 2007 and an amended petition was filed on March 3, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on July 22, 2010.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p>PWS:</p> <ol style="list-style-type: none"> Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethane ("TTHM"), based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. Failed to comply with the MCL of 0.060 mg/L for haloacetic acid ("HAA5"), based on running annual average [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. Failed to provide a minimum treatment plant capacity of 0.6 gallons per minute ("gpm") per connection, with the largest filter off-line [30 TEX. ADMIN. CODE § 290.42(d)(11)(B)(vi) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. Failed to post a sign in plain view at the raw water intake location that notifies the public of the 200-foot restricted zone and the activities that are prohibited within the zone [30 TEX. ADMIN. CODE § 290.41(e)(2)(C)]. 	<p>Total Assessed: \$3,424</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: \$124/\$3,300</p> <p>Respondent paid \$124 of the administrative penalty. The remaining amount of \$3,300 shall be payable in 20 monthly payments of \$165 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>Findings Order Justification: More than three NOVs for the same violations in the preceding five-year period.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Respondent is converting the Facility from a surface-water treatment facility to a purchase-water facility which will obtain water from a wholesale water provider, which will resolve violation nos. 4, 6, 7, 9, 11, and 12.</p> <p>Ordering Provisions: Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately begin maintaining complete calibration records for laboratory equipment, including, but not limited to flow meters and on-line disinfectant residual analyzers. Within 60 days: <ol style="list-style-type: none"> Submit written certification to demonstrate compliance with Ordering Provision No. 1; Post a legible sign at the Facility which includes the name of the water supply and an emergency phone number where a responsible official can be contacted; Create and begin maintaining an up-to-date chemical and microbiological monitoring plan for the Facility; and Employ a waterworks operator who holds a minimum of a Class D license. Within 90 day: <ol style="list-style-type: none"> Submit written certification to demonstrate compliance with Ordering Provision Nos. 2.b. through 2.d; Prepare and begin maintaining a risk management plan for the Facility that conforms to the United States EPA requirements; and Begin maintaining the clearwell in accordance with AWWA standards, including installing a liquid level indicator on the clearwell, ensuring that the clearwell's roof hatch is locked during times when maintenance and inspections are not being conducted, and repairing all leaking areas on the clearwell. Within 105 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.b. and 3.c.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to post a legible sign at the terminal reservoir location that includes that name of the water supply and emergency phone numbers where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>6. Failed to monitor the turbidity of the combined filler effluent and record the turbidity value every 15 minutes [30 TEX. ADMIN. CODE § 290.111(c)(1)(B)].</p> <p>7. Failed to conduct a calibration check of the on-line turbidimeters at least once per week [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv)].</p> <p>8. Failed to maintain an up-to-date chemical and microbiological monitoring plan for the water system [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>9. Failed to provide the jar testing equipment that is necessary for determining the optimum coagulant dose [30 TEX. ADMIN. CODE § 290.42(d)(15)(C)(vi)].</p> <p>10. Failed to design, construct and maintain the clearwell in accordance with American Water Works Association (“AWWA”) standards [30 TEX. ADMIN. CODE § 290.43(c)(2), (c)(4) and (c)(6)].</p> <p>11. Failed to identify the influent, effluent, waste backwash, and chemical feed lines throughout the surface water treatment facility by using labels or various colors of paint [30 TEX. ADMIN. CODE § 290.42(d)(13)].</p> <p>12. Failed to provide an air gap connection on the filter-to-waste line at the surface water treatment facility [30 TEX. ADMIN. CODE § 290.42(d)(2)(E)].</p> <p>13. Failed to maintain a risk management plan for the water system that conforms to the United States Environmental Protection Agency (“EPA”) requirements [30 TEX. ADMIN. CODE § 290.42(k)(2)].</p> <p>14. Failed to employ an operator who holds a minimum of a Class C surface water license when the system employs only a part-time operator with a Class B surface water license [30 TEX. ADMIN. CODE § 290.46(e)(6)(A)].</p> <p>15. Failed to maintain complete calibration records for the laboratory equipment, flow meters, rate of flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers [30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(v)].</p>		<p>5. Within 180 days:</p> <p>a. Obtain a valid purchase water contract from a TCEQ-approved water system to supply treated water to the Facility. The quantities included in the purchase water contract shall be sufficient to ensure that all capacity requirements for the Facility are met; and</p> <p>b. Submit plans and specifications for the proposed interconnection with a treated water wholesaler to the executive director of the TCEQ for review and approval. The plans and specifications shall be prepared by a licensed professional engineer and shall contain all required engineering seals, signatures, and dates affixed in accordance with the rules of the Texas Board of Professional Engineers.</p> <p>6. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 5.a. and 5.b.</p> <p>7. Within 240 days, obtain TCEQ approval of the plans and specifications for the interconnection with the treated water wholesaler.</p> <p>8. Within 365 days:</p> <p>a. Submit written certification to demonstrate compliance with Ordering Provision No. 7;</p> <p>b. Complete the interconnection with the treated water wholesaler and cease using surface water to supply water to the customers of the Facility; and</p> <p>c. Return to compliance with the MCL for TTHM and HAA5, based on a running annual average.</p> <p>9. Within 380 days, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 8.b. and 8.c.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

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

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

CASE INFORMATION					
Enf./Case ID No.	29872	No. of Violations	2		
Docket No.	2007-1565-PWS-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz		
Multi-Media		EC's Team	EnforcementTeam 2		
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
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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	49% Enhancement	Subtotals 2, 3, & 7	\$245
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Notes: The respondent received nine NOV's for the same or similar violations and received two NOV's for unrelated violations.

Culpability	Yes	25% Enhancement	Subtotal 4	\$125
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Notes: The respondent was issued an alert letter for haleacetic acids ("HAA5") exceedances on October 18, 2005.

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

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

0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$906	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$870
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$870
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$870
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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: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$870
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Screening Date 2-Nov-2006

Docket No. 2007-1565-PWS-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 29872

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	9	45%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 49%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

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

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

Screening Date 2-Nov-2006

Docket No. 2007-1565-PWS-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 29872

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)

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

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>>Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

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

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 365 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$250

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$906

Violation Final Penalty Total \$435

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

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 29872
Reg. Ent. Reference No. RN101207108
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)	\$5,000	1-Jul-2005	1-Feb-2008	2.6	\$43	\$863	\$906
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to implement an alternative method of disinfection. Date required is the beginning of the third quarter of 2005 when noncompliance was first reported. Final date is the anticipated date compliance will be achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$906

Screening Date 2-Nov-2006 **Docket No.** 2007-1565-PWS-E **PCW**
Respondent Anna Jeffcoat dba Lakeshore Sites Water Company *Policy Revision 2 (September 2002)*
Case ID No. 29872 *PCW Revision November 17, 2006*
Reg. Ent. Reference No. RN101207108
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text" value="x"/>
single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 29872
Reg. Ent. Reference No. RN101207108
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

See violation no. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2005.
Date: 07/17/2006 (487283)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(B)(vi)
Description: FAILURE TO MEET MINIMUM CAPACITY REQUIREMENT (0.6 GPM) WITH LARGEST FITLER OFFLINE
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: FAILURE TO POST 200' ACCESS SIGN AT INTAKE
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: FAILURE TO POST EMERGENCY SIGN AT TERMINAL RESERVOIR
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(b)(1)
Description: FAILURE TO PROVIDE TREATMENT PROCESS THAT REDUCES THM MCL
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(1)(B)
Description: FAILURE TO PROVIDE ONLINE TURBIDIMETER RECORDER EQUIPMENT
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)
Description: FAILURE TO CONDUCT DAILY RESIDUAL DISINFECTION MONITORING IN DISTRIBUTION SYSTEM
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)
Description: FAILURE TO CONDUCT WEEKLY CALIBRATION CHECKS FOR ONLINE TURBIDIMETER
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: FAILURE TO DEVELOP SYSTEM MONITORING PLAN
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vi)
Description: FAILURE TO PROVIDE JAR TESTING EQUIPMENT
Date: 06/09/2006 (509294)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2006.
Date: 05/24/2005 (393299)
Self Report? NO Classification: Major
Citation: 2B TWC Chapter 11, SubChapter A 11.081
Description: Failure to obtain authorization from the TCEQ prior to diverting state water from Lake Stamford for municipal purposes.
Date: 02/24/2006 (509183)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2005.
Date: 07/07/2006 (509502)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: Violated the maximum contaminant level for haloacetic acids in the second quarter of 2006.
Date: 06/06/2006 (509235)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: Violated the maximum contaminant level for haloacetic acids in the first quarter of 2006.
Date: 07/20/2006 (509526)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description:	Violated the maximum contaminant level for trihalomethanes in the second quarter of 2006.	
Date:	03/02/2006	(497480)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(5)	
Description:	Violated the maximum contaminant level for haloacetic acids in the fourth quarter of 2005.	
Date:	12/18/2003	(257958)
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(8)	
Description:	Failure to paint the clearwell.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)	
Description:	Failure to provide a intruder resistant fence.	

- 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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

TCEQ

DATES	Assigned	28-Aug-2007	Screening	14-Sep-2007	EPA Due	
	PCW	24-Sep-2007				

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

CASE INFORMATION			
Enf./Case ID No.	34690	No. of Violations	13
Docket No.	2007-1565-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,710
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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	26% Enhancement	Subtotals 2, 3, & 7	\$444
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Notes: The compliance history enhancement is for two prior Notices of Violation containing violations that are the same as or similar to the violations in the current enforcement action and for eight prior Notices of Violation that contain 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 EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$912	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$7,950		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,154
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OTHER FACTORS AS JUSTICE MAY REQUIRE	22%	Adjustment	\$400
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: The enhancement is recommended for recovery of the avoided costs of compliance.

Final Penalty Amount	\$2,554
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,554
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for non-expedited cases.

PAYABLE PENALTY	\$2,554
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Screening Date 14-Sep-2007

Docket No. 2007-1565-PWS-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 34690

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 26%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The compliance history enhancement is for two prior Notices of Violation containing violations that are the same as or similar to the violations in the current enforcement action and for eight prior Notices of Violation that contain dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 26%

Screening Date 14-Sep-2007

Docket No. 2007-1565-PWS-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 34690

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(11)(B)(vi) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a minimum treatment plant capacity of 0.6 gallons per minute ("gpm") per connection, with the largest filter off-line. Specifically, with 126 connections, the facility should have a minimum treatment plant capacity of 76 gallons per minute; however the facility currently has a capacity of 63 gallons per minute, which is a 17% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>>Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Without sufficient treatment plant capacity, customers of the water system could experience water shortages or outages and the system's ability to provide a safe and reliable water supply could be compromised.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 29

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, August 16, 2007, to the date of screening, September 14, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$394

Violation Final Penalty Total \$149

This violation Final Assessed Penalty (adjusted for limits) \$149

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
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
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	16-Aug-2007	30-Sep-2008	1.1	\$19	\$375	\$394
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 includes the amount to increase the treatment plant capacity to 0.6 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$394

Screening Date 14-Sep-2007

Docket No. 2007-1565-PWS-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 34690

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.41(e)(2)(C)

Violation Description Failed to post a sign in plain view at the raw water intake location that notifies the public of the 200-foot restricted zone and the activities that are prohibited within the zone.

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 Failure to post a sign notifying the public of the restricted zone could result in prohibited activities taking place in the zone which could cause an insignificant amount of contaminants to enter the water supply which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 29 Number of violation days

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 \$2

Violation Final Penalty Total \$75

This violation Final Assessed Penalty (adjusted for limits) \$75

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	16-Aug-2007	30-Apr-2008	0.7	\$0	\$2	\$2
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 prepare and post a sign regarding the 200-foot restricted zone, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Screening Date 14-Sep-2007 **Docket No.** 2007-1565-PWS-E **PCW**
Respondent Anna Jeffcoat dba Lakeshore Sites Water Company *Policy Revision 2 (September 2002)*
Case ID No. 34690 *PCW Revision September 19, 2007*
Reg. Ent. Reference No. RN101207108
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
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
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	16-Aug-2007	30-Apr-2008	0.7	\$0	\$2	\$2
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 post an emergency contact sign at the terminal reservoir location, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Screening Date 14-Sep-2007

Docket No. 2007-1565-PWS-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 34690

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.111(c)(1)(B)

Violation Description Failed to monitor the turbidity of the combined filter effluent and record the turbidity value every 15 minutes. Specifically, at the time of the investigation, it was documented that the water system is not equipped with a recorder for the on-line Nephelometric Turbidity Unit ("NTU") combined filter effluent monitor.

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 monitor the turbidity every 15 minutes could result in high turbidity levels going undetected and proper treatment not being provided, which could result in customers of the water system being exposed to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 29 Number of violation days

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One monthly event is recommended, calculated from the date of the investigation, August 16, 2007, to the date of screening, September 14, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$373

This violation Final Assessed Penalty (adjusted for limits) \$373

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
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	\$500	16-Aug-2007	31-May-2008	0.8	\$1	\$26	\$28
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 purchase and install a recorder on the NTU monitor for the combined filter effluent, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$28

Screening Date 14-Sep-2007

Docket No. 2007-1565-PWS-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 34690

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

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

Violation Description Failed to conduct a calibration check of the on-line turbidimeters at least once per week.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failing to ensure proper calibration of the on-line turbidimeters could result in incorrect or inaccurate turbidity measurements which could cause customers of the water system to be exposed to insignificant amounts of contaminants which would not not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 29

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 \$50

Violation Final Penalty Total \$75

This violation Final Assessed Penalty (adjusted for limits) \$75

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				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]	\$50	16-Aug-2007	16-Aug-2007	0.0	\$0	\$50	\$50
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to conduct the weekly calibration of the on-line turbidimeter, calculated for the date of the investigation.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 14-Sep-2007

Docket No. 2007-1565-PWS-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 34690

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

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

Violation Description Failed to maintain an up-to-date chemical and microbiological monitoring plan for the water system.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 29

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 \$149

This violation Final Assessed Penalty (adjusted for limits) \$149

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
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)	\$200	16-Aug-2007	30-Apr-2008	0.7	\$0	\$9	\$10
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to prepare and begin maintaining a chemical and microbiological monitoring plan for the water system, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$10

Screening Date 14-Sep-2007 **Docket No.** 2007-1565-PWS-E **PCW**
Respondent Anna Jeffcoat dba Lakeshore Sites Water Company *Policy Revision 2 (September 2002)*
Case ID No. 34690 *PCW Revision September 19, 2007*
Reg. Ent. Reference No. RN101207108
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of violation days
 mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,000	16-Aug-2007	30-Apr-2008	0.7	\$2	\$47	\$49
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 purchase jar testing equipment, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$49

Screening Date 14-Sep-2007

Docket No. 2007-1565-PWS-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 34690

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(13)

Violation Description Failed to identify the influent, effluent, waste backwash, and chemical feed lines throughout the surface water treatment facility by using labels or various colors of paint.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10%).

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

Adjustment \$900

\$100

Violation Events

1 29 Number of violation days

Table with columns: Frequency (daily, monthly, quarterly, semiannual, annual, single event), mark only one with an x.

Violation Base Penalty \$100

One monthly event is recommended, calculated from the date of the investigation, August 16, 2007, to the date of screening, September 14, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$149

This violation Final Assessed Penalty (adjusted for limits) \$149

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
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)	\$100	16-Aug-2007	30-Apr-2008	0.7	\$0	\$5	\$5
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 label or paint the various lines within the surface water treatment facility, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date 14-Sep-2007 **Docket No.** 2007-1565-PWS-E **PCW**
Respondent Anna Jeffcoat dba Lakeshore Sites Water Company *Policy Revision 2 (September 2002)*
Case ID No. 34690 *PCW Revision September 19, 2007*
Reg. Ent. Reference No. RN101207108
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
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)	\$200	16-Aug-2007	31-May-2007	-0.2	\$0	-\$3	-\$3
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 an air gap on the filter-to-waste line, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

-\$3

Screening Date 14-Sep-2007 **Docket No.** 2007-1565-PWS-E **PCW**
Respondent Anna Jeffcoat dba Lakeshore Sites Water Company *Policy Revision 2 (September 2002)*
Case ID No. 34690 *PCW Revision September 19, 2007*
Reg. Ent. Reference No. RN101207108
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2), (c)(4), and (c)(6)

Violation Description Failed to design, construct, and maintain the clearwell in accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, the clearwell's liquid level indicator was inoperable, the clearwell's roof hatch was not being locked during times when maintenance and inspections were not being conducted, and the clearwell was not being maintained tight against leakage.

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 maintain the clearwell in accordance with AWWA standards, could result in customers of the water system being exposed to significant amounts of contaminants which could exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 29 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$250

One monthly event is recommended, calculated from the date of the investigation, August 16, 2007, to the date of screening, September 14, 2007.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$19

Violation Final Penalty Total \$373

This violation Final Assessed Penalty (adjusted for limits) \$373

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
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	\$100	16-Aug-2007	31-May-2008	0.8	\$0	\$5	\$6
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	16-Aug-2007	31-May-2008	0.8	\$0	\$3	\$3
Engineering/construction	\$200	16-Aug-2007	31-May-2008	0.8	\$1	\$11	\$11
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 bring the clearwell up to AWWA standards, including installation of a water level indicator (equipment), repair of the leak (construction), and providing a lock for the roof hatch (other), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$350

TOTAL

\$19

Screening Date 14-Sep-2007 **Docket No.** 2007-1565-PWS-E **PCW**
Respondent Anna Jeffcoat dba Lakeshore Sites Water Company *Policy Revision 2 (September 2002)*
Case ID No. 34690 *PCW Revision September 19, 2007*
Reg. Ent. Reference No. RN101207108
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
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)	\$100	16-Aug-2007	30-Apr-2008	0.7	\$0	\$5	\$5
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 prepare a risk management plan that conforms to EPA requirements, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date 14-Sep-2007

Docket No. 2007-1565-PWS-E

PCW

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company

Policy Revision 2 (September 2002)

Case ID No. 34690

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101207108

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

V12 12

Rule Cite(s)

30 Tex. Admin. Code § 290.46(e)(6)(A)

Violation Description

Failed to employ an operator who holds a minimum of a Class C surface water license when the system employs only a part-time operator with a Class B surface water license.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have a full-time operator on staff could result in customers of the water system being exposed to significant amounts of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

29 Number of violation days

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

Violation Base Penalty \$250

One monthly event is recommended, calculated from the date of the investigation, August 16, 2007, to the date of screening, September 14, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$300

Violation Final Penalty Total \$373

This violation Final Assessed Penalty (adjusted for limits) \$373

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
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
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]	\$300	16-Aug-2007	14-Sep-2007	0.0	\$0	\$300	\$300
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount for an employee to become licensed as a Class C surface water operator, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$300

TOTAL

\$300

Screening Date 14-Sep-2007 **Docket No.** 2007-1565-PWS-E **PCW**
Respondent Anna Jeffcoat dba Lakeshore Sites Water Company *Policy Revision 2 (September 2002)*
Case ID No. 34690 *PCW Revision September 19, 2007*
Reg. Ent. Reference No. RN101207108
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Anna Jeffcoat dba Lakeshore Sites Water Company
Case ID No. 34690
Reg. Ent. Reference No. RN101207108
Media Public Water Supply
Violation No. 13

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]	\$50	16-Aug-2007	16-Aug-2007	0.0	\$0	\$50	\$50
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs includes the amount to maintain calibration records for the laboratory equipment, calculated for the date of the investigation.

Approx. Cost of Compliance \$50

TOTAL \$50

Citation: 2B TWC Chapter 11, SubChapter A 11.081
Description: Failure to obtain authorization from the TCEQ prior to diverting state water from Lake Stamford for municipal purposes.
Date: 10/20/2005 (497248)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to comply with the maximum contaminant level for trihalomethanes in the third quarter of 2005.
Date: 02/24/2006 (509183)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to comply with the maximum contaminant level for trihalomethanes in the fourth quarter of 2005.
Date: 03/02/2006 (497480)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to comply with the maximum contaminant level for haloacetic acids in the fourth quarter of 2005.
Date: 06/06/2006 (509235)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to comply with the maximum contaminant level for haloacetic acids in the first quarter of 2006.
Date: 06/09/2006 (509294)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to comply with the maximum contaminant level for trihalomethanes in the first quarter of 2006.
Date: 07/07/2006 (509502)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to comply with the maximum contaminant level for haloacetic acids in the second quarter of 2006.
Date: 07/17/2006 (487283)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(B)(vi)
Description: FAILURE TO MEET MINIMUM CAPACITY REQUIREMENT (0.6 GPM) WITH LARGEST FITLER OFFLINE.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: FAILURE TO POST 200' ACCESS SIGN AT INTAKE
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: FAILURE TO POST EMERGENCY SIGN AT TERMINAL RESERVOIR.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(b)(1)
Description: FAILURE TO PROVIDE TREATMENT PROCESS THAT REDUCES THM MCL
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(1)(B)
Description: FAILURE TO PROVIDE ONLINE TURBIDIMETER RECORDER EQUIPMENT
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)
Description: FAILURE TO CONDUCT DAILY RESIDUAL DISINFECTION MONITORING IN DISTRIBUTION SYSTEM
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)
Description: FAILURE TO CONDUCT WEEKLY CALIBRATION CHECKS FOR ONLINE TURBIDIMETER.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: FAILURE TO DEVELOP SYSTEM MONITORING PLAN.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vi)

Description: FAILURE TO PROVIDE JAR TESTING EQUIPMENT.

Date: 07/20/2006 (509526)

Self Report? NO

Classification: Moderate

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

Description: Failure to comply with the maximum contaminant level for trihalomethanes in the second quarter of 2006.

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	§	BEFORE THE
CONCERNING	§	
ANNA JEFFCOAT dba	§	TEXAS COMMISSION ON
LAKESHORE SITES WATER	§	
COMPANY; RN101207108	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1565-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Anna Jeffcoat dba Lakeshore Sites Water Company (“Ms. Jeffcoat”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Ms. Jeffcoat, represented by Patrick Hubbard, presented this agreement to the Commission.

Ms. Jeffcoat understands that she as 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, Ms. Jeffcoat agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Ms. Jeffcoat.

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

FINDINGS OF FACT

1. Ms. Jeffcoat owns and operates a public water system with a surface water treatment facility located at 792 Jeffcoat Road, Haskell, Haskell County, Texas (the “Facility”).
2. The Facility provides water for human consumption, has approximately 126 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 system as defined in 30 TEX. ADMIN. CODE § 290.38(66).

3. During a record review conducted on June 7, 2006, a TCEQ Central Office investigator documented that Ms. Jeffcoat:
 - a. Failed to comply with the maximum contaminant level (“MCL”) of 0.080 milligrams per liter (“mg/L”) for total trihalomethane (“TTHM”), based on a running annual average. Specifically, the running annual average for TTHM was 0.124 mg/L for the third quarter of 2005, 0.202 mg/L for the fourth quarter of 2005, 0.405 mg/L for the first quarter of 2006, and 0.383 mg/L for the second quarter of 2006; and
 - b. Failed to comply with the MCL of 0.060 mg/L for haloacetic acid (“HAA5”), based on a running annual average. Specifically, the running annual average for HAA5 was 0.069 mg/L for the fourth quarter of 2005, 0.137 mg/L for the first quarter of 2006, and 0.156 mg/L for the second quarter of 2006.

4. During an investigation conducted on August 16, 2007, a TCEQ Abilene Office investigator documented that Ms. Jeffcoat:
 - a. Failed to provide a minimum treatment plant capacity of 0.6 gallons per minute (“gpm”) per connection, with the largest filter off-line. Specifically, with 126 connections, the Facility should have a minimum treatment capacity of 76 gallons per minute. On the date of the investigation, the capacity of the facility was 63 gpm, which is a 17% deficiency;
 - b. Failed to post a sign in plain view at the raw water intake location that notifies the public of the 200-foot restricted zone and the activities that are prohibited within the zone;
 - c. Failed to post a legible sign at the terminal reservoir location that includes the name of the water supply and emergency phone numbers where a responsible official can be contacted;
 - d. Failed to monitor the turbidity of the combined filter effluent and record the turbidity value every 15 minutes. Specifically, at the time of the investigation, it was documented that the water system was not equipped with a recorder for the on-line Nephelometric Turbidity Unit (“NTU”) combined filter effluent monitor;
 - e. Failed to conduct a calibration check of the on-line turbidimeters at least once a week;
 - f. Failed to maintain an up-to-date chemical and microbiological monitoring plan for the water system;

- g. Failed to provide the jar testing equipment that is necessary for determining the optimum coagulant dose;
 - h. Failed to design, construct, and maintain the clearwell in accordance with American Water Works Association (“AWWA”) standards. Specifically, at the time of the investigation, the clearwell’s liquid level indicator was inoperable, the clearwell’s roof hatch was not locked during times when maintenance and inspections were not being conducted, and the clearwell was not being maintained tight against leakage;
 - i. Failed to identify the influent, effluent, waste backwash, and chemical feed lines throughout the surface water treatment facility by using labels or various colors of paint;
 - j. Failed to provide an air gap connection on the filter-to-waste line at the surface water treatment facility;
 - k. Failed to maintain a risk management plan for the water system that conforms to the United States Environmental Protection Agency (“EPA”) requirements;
 - l. Failed to employ an operator who holds a minimum of a Class C surface water license when the system employs only a part-time operator with a Class B surface water license; and
 - m. Failed to maintain complete calibration records for the laboratory equipment, flow meters, rate of flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers.
5. Ms. Jeffcoat received notice of the violations on or about July 23, 2006, and September 1, 2007, respectively.
6. The Executive Director recognizes that in response to this enforcement action, Ms. Jeffcoat is converting the Facility from a surface-water treatment facility to a purchase-water facility which will obtain treated water from a wholesale water provider. Accordingly, the Executive Director further recognizes that the conversion to a purchase-water facility will address violations noted in Findings of Facts including Violations 4.b., 4.d., 4.e., 4.g., 4.i., and 4.j.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Ms. Jeffcoat 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 Finding of Fact No. 3.a., Ms. Jeffcoat failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 3.b., Ms. Jeffcoat failed to comply with the MCL of 0.060 mg/L for HAA5, based on running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. As evidenced by Finding of Fact No. 4.a., Ms. Jeffcoat failed to provide a minimum treatment plant capacity of 0.6 gpm per connection, with the largest filter off-line, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(B)(vi) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
5. As evidenced by Findings of Fact No. 4.b. Ms. Jeffcoat failed to post a sign in plain view at the raw water intake location that notifies the public of the 200-foot restricted zone and the activities that are prohibited within the zone, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(2)(C).
6. As evidenced by Findings of Fact No. 4.c. Ms. Jeffcoat failed to post a legible sign at the terminal reservoir location that includes that name of the water supply and emergency phone numbers where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
7. As evidenced by Findings of Fact No. 4.d., Ms. Jeffcoat failed to monitor the turbidity of the combined filter effluent and record the turbidity value every 15 minutes, in violation of 30 TEX. ADMIN. CODE § 290.111(c)(1)(B).
8. As evidenced by Findings of Fact No. 4.e., Ms. Jeffcoat failed to conduct a calibration check of the on-line turbidimeters at least once per week, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv).
9. As evidenced by Findings of Fact No. 4.f., Ms. Jeffcoat failed to maintain an up-to-date chemical and microbiological monitoring plan for the water system, in violation of 30 TEX. ADMIN. CODE § 290.121(a).
10. As evidenced by Findings of Fact No. 4.g., Ms. Jeffcoat failed to provide the jar testing equipment that is necessary for determining the optimum coagulant dose, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(15)(C)(vi).
11. As evidenced by Findings of Fact No. 4.h., Ms. Jeffcoat failed to design, construct, and maintain the clearwell in accordance with AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), (c)(4) and (c)(6).

12. As evidenced by Finding of Fact No. 4.i., Ms. Jeffcoat failed to identify the influent, effluent, waste backwash, and chemical feed lines throughout the surface water treatment facility by using labels or various colors of paint, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(13).
13. As evidenced by Findings of Fact No. 4.j., Ms. Jeffcoat failed to provide an air gap connection on the filter-to-waste line at the surface water treatment facility, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(E).
14. As evidenced by Findings of Fact No 4.k., Ms. Jeffcoat failed to maintain a risk management plan for the water system that conforms to EPA requirements, in violation of 30 TEX. ADMIN. CODE § 290.42(k)(2).
15. As evidenced by Findings of Fact No. 4.l., Ms. Jeffcoat failed to employ an operator who holds a minimum of a Class C surface water license when the system employs only a part-time operator with a Class B surface water license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(A).
16. As evidence by Findings of Fact No. 4.m., Ms. Jeffcoat failed to maintain complete calibration records for the laboratory equipment, flow meters, rate of flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(v).
17. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Ms. Jeffcoat for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
18. An administrative penalty in the amount of three thousand four hundred twenty-four dollars (\$3,424.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ms. Jeffcoat paid one hundred twenty-four dollars (\$124.00) of the administrative penalty. The remaining amount of three thousand three hundred dollars (\$3,300.00) of the administrative penalty shall be payable in 20 monthly payments of one hundred sixty-five dollars (\$165.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Ms. Jeffcoat 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. Ms. Jeffcoat's failure to meet the payment schedule of this Agreed Order constitutes the failure by Ms. Jeffcoat to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ms. Jeffcoat pay an administrative penalty as set forth in Conclusion of Law No. 18 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Ms. Jeffcoat'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 action or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Anna Jeffcoat dba Lakeshore Sites Water Company, Docket No. 2007-1565-PWS-E to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Ms. Jeffcoat shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Ms. Jeffcoat shall begin maintaining complete calibration records for laboratory equipment, including, but not limited to flow meters and on-line disinfectant residual analyzers, as required by 30 TEX. ADMIN. CODE § 290.46;
 - b. Within 60 days after the effective date of this Agreed Order Ms. Jeffcoat shall:
 - i. Submit written certification as described in Ordering Provision No. 2.j. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;
 - ii. Post a legible sign at the Facility which includes the name of the water supply and an emergency phone number where a responsible official can be contacted, as required by 30 TEX. ADMIN. CODE § 290.46;
 - iii. Create and begin maintaining an up-to-date chemical and microbiological monitoring plan for the Facility, as required by 30 TEX. ADMIN. CODE § 290.121; and
 - iv. Employ a waterworks operator who holds a minimum of a Class D license, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- c. Within 90 days after the effective date of this Agreed Order Ms. Jeffcoat shall:
 - i. Submit written certification as described in Ordering Provision No. 2.j. below, and include photographs, receipts and/or other records, to demonstrate compliance with Ordering Provision Nos. 2.b.ii. through 2.b.iv.;
 - ii. Prepare and begin maintaining a risk management plan for the Facility that conforms to the United States EPA requirements, as required by 30 TEX. ADMIN. CODE § 290.42; and
 - iii. Begin maintaining the clearwell in accordance with AWWA standards, including installing a liquid level indicator on the clearwell, ensuring that the clearwell's roof hatch is locked during times when maintenance and inspections are not being conducted, and repairing all leaking areas on the clearwell, as required by 30 TEX. ADMIN. CODE § 290.43.
- d. Within 105 days after the effective date of this Agreed Order Ms. Jeffcoat shall submit written certification as described in 2.j. below, and include photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.ii. and 2.c.iii.
- e. Within 180 days after the effective date of this Agreed Order Ms. Jeffcoat shall:
 - i. Obtain a valid purchase water contract from a TCEQ-approved water system to supply treated water to the Facility, pursuant to 30 TEX. ADMIN. CODE § 290.45(f). The quantities included in the purchase water contract shall be sufficient to ensure that all capacity requirements or alternative capacity requirements for the Facility are met, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Submit plans and specifications for the proposed interconnection with a treated water wholesaler to the executive director of the TCEQ for review and approval in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be prepared by a licensed professional engineer and shall contain all required engineering seals, signatures, and dates affixed in accordance with the rules of the Texas Board of Professional Engineers. The plans and specifications shall be submitted to:

Utility Technical Review Team
Water Supply Division, MC 153
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- f. Within 195 days after the effective date of this Agreed Order, Ms. Jeffcoat shall submit written certification as described in Ordering Provision No. 2.j. below, and include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision Nos. 2.e.i. and 2.e.ii.
- g. Within 240 days after the effective date of this Agreed Order, Ms. Jeffcoat shall obtain TCEQ approval of the plans and specifications for the interconnection with the treated water wholesaler. A copy of the letter approving the interconnection 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
Texas Commission on Environmental Quality
Abilene Regional Office
1977 Industrial Boulevard
Abilene, Texas 79602-7833

- h. Within 365 days after the effective date of this Agreed Order, Ms. Jeffcoat shall:
 - i. Submit written certification as described in Ordering Provision No. 2.j. below, and include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 2.g.;
 - ii. Complete the interconnection with the treated water wholesaler and cease using surface water to supply water to the customers of the Facility; and
 - iii. Return to compliance with the MCL for TTHM and HAA5, based on a running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.113.
- i. Within 380 days after the effective date of this Agreed Order, Ms. Jeffcoat shall submit written certification as described in Ordering Provision No. 2.j. below, and include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision Nos. 2.h.ii. and 2.h.iii.; and

- j. The certifications required by Ordering Provisions No. 2.b.i., 2c.i., 2.d., 2.f., 2.h.i. and 2.i. 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
Texas Commission on Environmental Quality
Abilene Regional Office
1977 Industrial Boulevard
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon Ms. Jeffcoat. Ms. Jeffcoat is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Ms. Jeffcoat shall be made in writing to the Executive Director. Extensions are not effective until Ms. Jeffcoat receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of Texas ("OAG") for further enforcement proceedings without notice to Ms. Jeffcoat if the Executive Director determines that Ms. Jeffcoat has not complied with one or more of the terms or conditions of 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 Ms. Jeffcoat 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 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 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 the Agreed Order to Ms. Jeffcoat, or three days after the date on which the Commission mails notice of this Agreed Order to Ms. Jeffcoat, whichever is earlier.

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ID:QUALITY_AIR_

FAX:806 762 8211

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Handwritten Signature]

For the Executive Director

8/17/2010

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Ms. Jeffcoat. I represent that I am authorized to agree to the attached Agreed Order on behalf of Anna Jeffcoat dba Lakeshore Sites Water Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on Ms. Jeffcoat's compliance history;
- Greater scrutiny of any permit applications submitted by Ms. Jeffcoat;
- 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 Ms. Jeffcoat;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Ms. Jeffcoat; and
- TCEQ seeking other relief as authorized by law.

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

Anna Jeffcoat
Signature

7-22-2010
Date

Anna Jeffcoat dba Lakeshore Sites Water Company

Owner
Title