

**JOHN C. MOORE D/B/A MOORE'S WATER SYSTEM OF BEAVER LAKE, INC. (A/K/A MOORE'S WATER SYSTEM); JOHN L. MOORE D/B/A MOORE'S WATER SYSTEM OF BEAVER LAKE, INC. (A/K/A MOORE'S WATER SYSTEM); AND MOORE'S WATER SYSTEM OF BEAVER LAKE, INC. (A/K/A MOORE'S WATER SYSTEM)**

**RN102682291**

**Docket No. 2011-0596-PWS-E**

**Order Type:**

Default Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

476 Beaver Lane, Waco, McLennan County

**Type of Operation:**

public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions:	2011-1088-PWS-E
Past-Due Penalties:	\$4,139.75 (2009-0917-PWS-E – referred for collection)
	\$1,841.40 (2008-1040-PWS-E – referred for collection)
Past-Due Fees:	\$233.79 (Account No. 91550127)
Other:	None
Interested Third-Parties:	The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** July 22, 2011

**Comments Received:** None

***Penalty Information***

**Total Penalty Assessed:** \$576

**Amount Deferred for Expedited Settlement:** N/A

**Amount Deferred for Financial Inability to Pay:** N/A

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$576

**Compliance History Classifications:**

Person/CN – N/A (All 3 Respondents)

Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

***Investigation Information***

**Complaint Date(s):** January 5, 2011  
Complaint Information: Complainant contacted TCEQ with concerns regarding the quality of the water provided by Respondents.

**Date(s) of Investigation:** January 19, 2011; February 7, 2011; April 13, 2011

**Date(s) of NOV(s):** December 8, 2006; October 21, 2009

**Date(s) of NOE(s):** March 16, 2011

***Violation Information***

1. Failed to maintain a disinfectant residual concentration of 0.2 mg/L free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to maintain a copy of the well driller's log and cementing report on file at the Facility for as long as the well remains in service, and failed to have those documents available for review by Commission personnel during inspections [30 TEX. ADMIN. CODE § 290.46(f)(2) and (n)(3) and TCEQ Default Order Docket No. 2009-0917-PWS-E, Ordering Provision No. 2.a.ii.].
3. Failed to pay all annual fees, late fees, and administrative penalties to the TCEQ in a timely manner [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE §§ 5.702 and 7.061].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Submitted documentation on January 20, 2011, showing that an adequate disinfection residual was achieved in the Facility's distribution system.

**Technical Requirements:**

1. Within 30 days, submit payment for all outstanding fees and administrative penalties, including any associated late fees and interest.
2. Within 90 days, begin maintaining a copy of the well driller's log and cementing report on file at the Facility and keep the copies on file for as long as the well remains in service to ensure that the documents are available for review by Commission personnel during inspections.
3. Submit written certification to demonstrate compliance:
  - a. Within 45 days for Technical Requirement No. 1; and
  - b. Within 105 days for Technical Requirement No. 2.

***Litigation Information***

**Date Petition(s) Filed:** May 27, 2011  
**Date(s) Green Card(s) Signed:** May 28, 2011  
**Date(s) Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A

Executive Summary – Enforcement Matter – Case No. 37771 Page 3 of 3  
JOHN C. MOORE D/B/A MOORE'S WATER SYSTEM OF BEAVER LAKE, INC. (A/K/A MOORE'S  
WATER SYSTEM); JOHN L. MOORE D/B/A MOORE'S WATER SYSTEM OF BEAVER LAKE, INC.  
(A/K/A MOORE'S WATER SYSTEM); AND MOORE'S WATER SYSTEM OF BEAVER LAKE, INC.  
(A/K/A MOORE'S WATER SYSTEM)  
RN102682291  
Docket No. 2011-0596-PWS-E

***Contact Information***

**TCEQ Attorneys:** Stephanie J. Frazee, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400

**TCEQ Enforcement Coordinator:** Rebecca Clausewitz, Water Enforcement Section, (210) 403-4012-

**TCEQ Regional Contact:** Frank Burleson, Waco Regional Office, (254) 761-3001

**Respondent:** John C. Moore, P.O. Box 4156, Waco, Texas 76715; John L. Moore, Route 4 Box 471, Waco,  
Texas 76705; Moore's Water System of Beaver Lake, Inc., 849 Beaver Lake Rd., Waco, Texas 76715

**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	21-Mar-2011	<b>Screening</b>	14-Apr-2011	<b>EPA Due</b>	
	<b>PCW</b>	15-Apr-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	John C. Moore dba Moore's Water System of Beaver Lake, Inc.; John L. Moore dba Moore's Water System of Beaver Lake, Inc.; and Moore's Water System of Beaver Lake, Inc.		
<b>Reg. Ent. Ref. No.</b>	RN102682291		
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	37771	<b>No. of Violations</b>	3
<b>Docket No.</b>	2011-0596-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Clausewitz
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$200
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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.

<b>Compliance History</b>	88.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$176
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**Notes**

Enhancement for two same/similar NOV's, four dissimilar NOV's, one agreed final enforcement order containing a denial of liability, and two default orders.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes**

The Respondents do not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$209
Approx. Cost of Compliance	\$300

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$376
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	53.2%	<b>Adjustment</b>	\$200
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

Enhancement recommended for recovery of the avoided costs of compliance associated with violation No. 1.

<b>Final Penalty Amount</b>	\$576
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$576
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$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 Findings Orders.

<b>PAYABLE PENALTY</b>	\$576
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**Screening Date** 14-Apr-2011

**Docket No.** 2011-0596-PWS-E

**PCW**

**Respondent** John C. Moore dba Moore's Water System of Beav

*Policy Revision 2 (September 2002)*

**Case ID No.** 37771

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN102682291

**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 notices of violation ("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	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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	2	50%
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)** 88%

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

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for two same/similar NOVs, four dissimilar NOVs, one agreed final enforcement order containing a denial of liability, and two default orders.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 88%

Screening Date 14-Apr-2011

Docket No. 2011-0596-PWS-E

PCW

Respondent Case ID No. 37771  
Reg. Ent. Reference No. RN102682291  
Media [Statute] Public Water Supply  
Enf. Coordinator Rebecca Clausewitz

John C. Moore dba Moore's Water System of Beaver Lake, Inc.; John L. Moore dba Moore's Water System of Beaver Lake, Inc.; and Moore's Water System of Beaver Lake, Inc.

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

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to maintain a disinfectant residual concentration of 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, on January 19, 2011, the disinfectant residual was measured to be 0.04 mg/L free chlorine at a flush valve located at 250 Blackjack Circle.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to maintain the disinfectant residual could result in exposure of the customers of the water system to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$200

Violation Final Penalty Total \$288

This violation Final Assessed Penalty (adjusted for limits) \$288

## Economic Benefit Worksheet

**Respondent** John C. Moore dba Moore's Water System of Beaver Lake, Inc.; John L. Moore dba Moore's Water System o  
**Case ID No.** 37771  
**Req. Ent. Reference No.** RN102682291  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	19-Jan-2011	20-Jan-2011	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional oversight of the operation of the Facility that could have avoided or prevented the low disinfectant residual from occurring, calculated from the date of the investigation to the date of compliance.

Approx. Cost of Compliance

\$200

**TOTAL**

\$200

Screening Date 14-Apr-2011

Docket No. 2011-0596-PWS-E

PCW

John C. Moore dba Moore's Water System of Beaver Lake, Inc.;  
John L. Moore dba Moore's Water System of Beaver Lake, Inc.;  
and Moore's Water System of Beaver Lake, Inc.

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent Case ID No. 37771

Reg. Ent. Reference No. RN102682291

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and (n)(3) and TCEQ Default Order Docket No. 2009-0917-PWS-E, Ordering Provision No. 2.a.ii.

Violation Description

Failed to maintain a copy of the well driller's log and cementing report on file at the Facility for as long as the well remains in service and failure to have those documents available for review by Commission personnel during inspections.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 396 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9 Violation Final Penalty Total \$288

This violation Final Assessed Penalty (adjusted for limits) \$288

## Economic Benefit Worksheet

**Respondent** John C. Moore dba Moore's Water System of Beaver Lake, Inc.; John L. Moore dba Moore's Water System o  
**Case ID No.** 37771  
**Req. Ent. Reference No.** RN102682291  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	14-Mar-2010	31-Dec-2011	1.80	\$9	n/a	\$9
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop a record keeping system for the well driller's log and cementing report that will ensure that the documents can be maintained at the Facility and made available to Commission personnel at the time of an investigation, calculated from the effective date of TCEQ Default Order Docket No. 2009-0917-PWS-E, to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$9

Screening Date 14-Apr-2011

Docket No. 2011-0596-PWS-E

PCW

John C. Moore dba Moore's Water System of Beaver Lake, Inc.;  
John L. Moore dba Moore's Water System of Beaver Lake, Inc.;  
and Moore's Water System of Beaver Lake, Inc.

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

Respondent  
Case ID No. 37771  
Reg. Ent. Reference No. RN102682291  
Media [Statute] Public Water Supply  
Enf. Coordinator Rebecca Clausewitz

Violation Number 3  
Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code §§ 5.702 and 7.061

Violation Description

Failed to pay all annual fees, late fees, and administrative penalties to the TCEQ in a timely manner. Specifically, Public Health Service annual and late fees are owed for TCEQ Financial Administration ("FA") Account No. 91550127 and administrative penalties are outstanding for TCEQ FA Account Nos. 23604429 and 23605219.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

All penalties and interest will be assessed by the TCEQ's Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

## Economic Benefit Worksheet

**Respondent** John C. Moore dba Moore's Water System of Beaver Lake, Inc.; John L. Moore dba Moore's Water System o  
**Case ID No.** 37771  
**Req. Ent. Reference No.** RN102682291  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN603345018 MOORE, JOHN C	Classification:	Rating:
Regulated Entity:	RN102682291 MOORES WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1550127
Location:	476 Beaver Lane, McLennan County, Texas		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	April 18, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 18, 2006 to April 18, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:			
Name:	Rebecca Clausewitz	Phone:	(210) 403-4012

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? John C. Moore and John L. Moore
4. If Yes, who was/were the prior owner(s)/operator(s)? Moore's Water System of Beaver Lake, Inc.
5. When did the change(s) in owner or operator occur? May 21, 2010

## Components (Multimedia) for the Site:

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

**Effective Date: 09/22/2008**

**ADMINORDER 2008-0105-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide an adequate service pumping capacity.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to complete customer service inspection certificates.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to provide a plant operations manual.

**Effective Date: 09/20/2009**

**ADMINORDER 2008-1040-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year; failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.

**Effective Date: 03/14/2010**

**ADMINORDER 2009-0917-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)

Description: Failure to monitor the disinfectant residual in the distribution system at least once every seven days.

Classification: Moderate

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

Description: Failure to calibrate the well flow meters at least once every three years.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Rqmt Prov: Docket Number 2008-0105-PWS-E O.P. No. 2.a.

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Docket Number 2008-0105-PWS-E, OP 2.e.

Description: Failure to provide an adequate service pumping capacity.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Rqmt Prov: Docket Number 2008-0105-PWS-E, OP 2.c.i.

Description: Failure to provide a plant operations manual

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Rqmt Prov: Docket Number 2008-0105-PWS-E, OP 2.c.ii.

Description: Failure to complete a customer service inspection (CSI) certificates

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Description: Failure to employ licensed water operator.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	12/06/2006	(518238)
2	10/10/2007	(596997)
3	11/27/2007	(600426)
4	05/21/2007	(652433)
5	08/10/2007	(652722)
6	11/12/2007	(652995)
7	05/09/2008	(655009)
8	02/28/2007	(700988)
9	09/02/2008	(701058)
10	08/10/2007	(701068)
11	11/12/2007	(701076)
12	08/28/2008	(702182)
13	05/20/2009	(742561)
14	01/27/2010	(788084)
15	03/18/2011	(892041)

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

**Date: 12/08/2006 (518238) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide an adequate service pumping capacity.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to complete customer service inspection certificates.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Description: Failure to employ a licensed water operator.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to provide a plant operations manual.

**Date: 02/28/2007 (700988) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

**Date: 05/21/2007 (701058) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

**Date: 08/10/2007 (701068) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

**Date: 11/12/2007 (701076) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

**Date: 10/21/2009 (780023) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L total chlorine as per agency regulations.

- 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

## Compliance History

Customer/Respondent/Owner-Operator:	CN602262800 MOORE, JOHN L	Classification:	Rating:
Regulated Entity:	RN102682291 MOORES WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1550127
Location:	476 Beaver Lane, McLennan County, Texas		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	April 18, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 18, 2006 to April 18, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:			
Name:	Rebecca Clausewitz	Phone:	(210) 403-4012

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? John C. Moore and John L. Moore
4. If Yes, who was/were the prior owner(s)/operator(s)? Moore's Water System of Beaver Lake, Inc.
5. When did the change(s) in owner or operator occur? May 21, 2010

### Components (Multimedia) for the Site:

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

**Effective Date: 09/22/2008**

**ADMINORDER 2008-0105-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide an adequate service pumping capacity.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to complete customer service inspection certificates.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to provide a plant operations manual.

**Effective Date: 09/20/2009**

**ADMINORDER 2008-1040-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year; failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.

**Effective Date: 03/14/2010**

**ADMINORDER 2009-0917-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)

Description: Failure to monitor the disinfectant residual in the distribution system at least once every seven days.

Classification: Moderate

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

Description: Failure to calibrate the well flow meters at least once every three years.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Rqmt Prov: Docket Number 2008-0105-PWS-E O.P. No. 2.a.

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Docket Number 2008-0105-PWS-E, OP 2.e.

Description: Failure to provide an adequate service pumping capacity.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Rqmt Prov: Docket Number 2008-0105-PWS-E, OP 2.c.i.

Description: Failure to provide a plant operations manual

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Rqmt Prov: Docket Number 2008-0105-PWS-E, OP 2.c.ii.

Description: Failure to complete a customer service inspection (CSI) certificates

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Description: Failure to employ licensed water operator.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	12/06/2006	(518238)
2	10/10/2007	(596997)
3	11/27/2007	(600426)
4	05/21/2007	(652433)
5	08/10/2007	(652722)
6	11/12/2007	(652995)
7	05/09/2008	(655009)
8	02/28/2007	(700988)
9	09/02/2008	(701058)
10	08/10/2007	(701068)
11	11/12/2007	(701076)
12	08/28/2008	(702182)
13	05/20/2009	(742561)
14	01/27/2010	(788084)
15	03/18/2011	(892041)

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

**Date: 12/08/2006 (518238) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide an adequate service pumping capacity.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to complete customer service inspection certificates.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Description: Failure to employ a licensed water operator.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to provide a plant operations manual.

**Date: 02/28/2007 (700988) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

**Date: 05/21/2007 (701058) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

**Date: 08/10/2007 (701068) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

**Date: 11/12/2007 (701076) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

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

**Date: 10/21/2009 (780023) CN603345018**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L total chlorine as per agency regulations.

- 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

# Compliance History

Customer/Respondent/Owner-Operator: CN601361736 Moore's Water System of Beaver Lake, Inc. Rating:

Regulated Entity: RN102682291 MOORES WATER SYSTEM Classification: Site Rating:  
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1550127  
 Location: 476 Beaver Lane, McLennan County, Texas  
 TCEQ Region: REGION 09 - WACO  
 Date Compliance History Prepared: April 18, 2011  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: April 18, 2006 to April 18, 2011  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:  
 Name: Rebecca Clausewitz Phone: (210) 403-4012

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? John C. Moore and John L. Moore
4. If Yes, who was/were the prior owner(s)/operator(s)? Moore's Water System of Beaver Lake, Inc.
5. When did the change(s) in owner or operator occur? May 21, 2010

## Components (Multimedia) for the Site:

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

**Effective Date: 09/22/2008**

**ADMINORDER 2008-0105-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide an adequate service pumping capacity.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)  
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to complete customer service inspection certificates.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to provide a plant operations manual.

**Effective Date: 09/20/2009**

**ADMINORDER 2008-1040-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
 30 TAC Chapter 290, SubChapter H 290.274(a)  
 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year; failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.

**Effective Date: 03/14/2010**

**ADMINORDER 2009-0917-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)

Description: Failure to monitor the disinfectant residual in the distribution system at least once every seven days.

Classification: Moderate

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

Description: Failure to calibrate the well flow meters at least once every three years.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Rqmt Prov: Docket Number 2008-0105-PWS-E O.P. No. 2.a.

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Docket Number 2008-0105-PWS-E, OP 2.e.

Description: Failure to provide an adequate service pumping capacity.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Rqmt Prov: Docket Number 2008-0105-PWS-E, OP 2.c.i.

Description: Failure to provide a plant operations manual

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Rqmt Prov: Docket Number 2008-0105-PWS-E, OP 2.c.ii.

Description: Failure to complete a customer service inspection (CSI) certificates

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Description: Failure to employ licensed water operator.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	12/06/2006	(518238)
2	10/10/2007	(596997)
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4	05/21/2007	(652433)
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6	11/12/2007	(652995)
7	05/09/2008	(655009)
8	02/28/2007	(700988)
9	09/02/2008	(701058)
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12	08/28/2008	(702182)
13	05/20/2009	(742561)
14	01/27/2010	(788084)
15	03/18/2011	(892041)

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

**Date: 12/08/2006 (518238)**

**CN603345018**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Failure to provide an adequate service pumping capacity.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)  
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)  
 Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)  
 Description: Failure to complete customer service inspection certificates.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)  
 Description: Failure to employ a licensed water operator.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
 Description: Failure to provide a plant operations manual.

**Date: 02/28/2007 (700988)**

**CN603345018**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for arsenic during the fourth quarter of 2006.

**Date: 05/21/2007 (701058)**

**CN603345018**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for arsenic during the first quarter of 2007.

**Date: 08/10/2007 (701068)**

**CN603345018**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for arsenic during the second quarter of 2007.

**Date: 11/12/2007 (701076)**

**CN603345018**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for arsenic during the third quarter of 2007.

**Date: 10/21/2009 (780023)**

**CN603345018**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
 Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L total chlorine as per agency regulations.

- 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

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at all times. Specifically, the disinfectant residual was measured to be 0.04 mg/L free chlorine at a flush valve located at the Facility at 250 Blackjack Circle.

3. During an investigation conducted on February 7, 2011, a TCEQ Waco Regional Office investigator documented that Respondents failed to maintain a copy of the well driller's log and cementing report on file at the Facility for as long as the well remains in service, and failed to have those documents available for review by Commission personnel during inspections.
4. During a record review conducted on April 13, 2011, a TCEQ Enforcement Coordinator documented that Respondents failed to pay all annual fees, late fees, and administrative penalties to the TCEQ in a timely manner. Specifically, Public Health Service annual and late fees are owed for TCEQ Financial Administration ("FA") Account No. 91550127, and administrative penalties are outstanding for TCEQ FA Account Nos. 23604429 (Default Order TCEQ Docket No. 2008-1040-PWS-E) and 23605219 (Default Order TCEQ Docket No. 2009-0917-PWS-E).
5. Respondents received notice of the violations alleged in Findings of Fact Nos. 2 and 3 on or about March 21, 2011.
6. The Executive Director recognizes that Respondents submitted documentation on January 20, 2011, showing that an adequate disinfection residual was achieved in the Facility's distribution system. Disinfection residual monitoring at flush valves located farthest from the water plant indicated a free chlorine residual of 0.81 mg/L and 0.96 mg/L.
7. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of John C. Moore d/b/a Moore's Water System of Beaver Lake, Inc.; John L. Moore d/b/a Moore's Water System of Beaver Lake, Inc.; and Moore's Water System of Beaver Lake, Inc." (the "EDPRP") in the TCEQ Chief Clerk's office on May 27, 2011.
8. By letter dated May 27, 2011, sent to each Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondents with notice of the EDPRP. According to the return receipt "green cards," each Respondent received notice of the EDPRP on May 28, 2011, as evidenced by the signatures on the cards.
9. More than 20 days have elapsed since Respondents received notice of the EDPRP provided by the Executive Director. Respondents failed to file an answer and failed to request a hearing.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 2, Respondents failed to maintain a disinfectant residual concentration of 0.2 mg/L free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 3, Respondents failed to maintain a copy of the well driller's log and cementing report on file at the Facility for as long as the well remains in service, and failed to have those documents available for review by Commission personnel during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (n)(3) and TCEQ Default Order Docket No. 2009-0917-PWS-E, Ordering Provision No. 2.a.ii.
4. As evidenced by Finding of Fact No. 4, Respondents failed to pay all annual fees, late fees, and administrative penalties to the TCEQ in a timely manner, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE §§ 5.702 and 7.061.
5. As evidenced by Findings of Fact Nos. 7 and 8, the Executive Director timely served Respondents with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).
6. As evidenced by Finding of Fact No. 9, Respondents failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondents and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondents for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of five hundred seventy-six dollars (\$576.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### **ORDERING PROVISIONS**

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

1. Respondents are assessed an administrative penalty in the amount of five hundred seventy-six dollars (\$576.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondents' compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.

2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: John C. Moore d/b/a Moore's Water System of Beaver Lake, Inc.; John L. Moore d/b/a Moore's Water System of Beaver Lake, Inc.; and Moore's Water System of Beaver Lake, Inc.; Docket No. 2011-0596-PWS-E" to:

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

3. Respondents shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, Respondents shall submit payment for all outstanding fees and administrative penalties, including any associated late fees and interest. The payment shall include the notation "TCEQ FA Account No. 23604429; TCEQ FA Account No. 91550127; and TCEQ FA Account No. 23605219" and shall be mailed 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

- b. Within 45 days after the effective date of this Order, Respondents shall submit written certification as described in Ordering Provision No. 3.e., below, and include detailed supporting documentation, including a copy of the check or money order and/or other records, to demonstrate compliance with Ordering Provision No. 3.a.
- c. Within 90 days after the effective date of this Order, Respondents shall begin maintaining a copy of the well driller's log and cementing report on file at the Facility and keep the copies on file for as long as the well remains in service to ensure that the documents are available for review by Commission personnel during inspections, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 105 days after the effective date of this Order, Respondents shall submit written certification as described in Ordering Provision No. 3.e., below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.c.
- e. The certification required by Ordering Provision Nos. 3.b. and 3.d. shall be notarized by a State of Texas Notary Public and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respondents shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team  
Texas Commission on Environmental Quality  
Enforcement Division, MC 149A  
P.O. Box 13087  
Austin, Texas 78711-3087

and:

Water Section Manager  
Texas Commission on Environmental Quality  
Waco Regional Office  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

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

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF STEPHANIE J. FRAZEE**

**STATE OF TEXAS**

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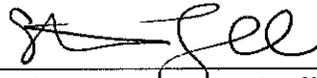
**COUNTY OF TRAVIS**

"My name is Stephanie J. Frazee. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of John C. Moore d/b/a Moore's Water System of Beaver Lake, Inc.; John L. Moore d/b/a Moore's Water System of Beaver Lake, Inc.; and Moore's Water System of Beaver Lake, Inc." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 27, 2011.

The EDPRP was mailed to each Respondent's last known address on May 27, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green cards," each Respondent received notice of the EDPRP on May 28, 2011, as evidenced by the signatures on the cards.

More than 20 days have elapsed since Respondents received notice of the EDPRP. Respondents failed to file an answer and failed to request a hearing."



Stephanie J. Frazee, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 27<sup>th</sup> day of June, A.D. 2011.



Notary Signature

