

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. 2011-1008-PWS-E

**Order Type:**

Default Order

**Findings Order Justification:**

N/A

**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:	None
Past-Due Penalties:	\$1,674 (Docket No. 2008-1040-PWS-E); \$3,851 (Docket No. 2009-0917-PWS-E)
Past-Due Fees:	\$159.03 (Account No. 23604429); \$269.50 (Account No. 23605219)
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** September 2, 2011

**Comments Received:** None

***Penalty Information***

**Total Penalty Assessed:** \$4,138

**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:** \$4,138

**Compliance History Classifications:**

Person/CN – N/A

Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

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. 2011-1008-PWS-E

***Investigation Information***

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** May 12, 2011  
**Date(s) of NOV(s):** See Compliance Histories – 9 related NOVs  
**Date(s) of NOE(s):** May 13, 2011

***Violation Information***

1. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification to the customers of the Facility regarding the failure to conduct routine coliform monitoring [30 TEX. ADMIN. CODE §§ 290.122(c)(2)(A)(ii) and 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d)].
2. Failed to provide the results of the quarterly arsenic sampling to the TCEQ's Executive Director [30 TEX. ADMIN. CODE §290.106(e)].
3. Failed to provide the results of annual fluoride and nitrate sampling to the TCEQ's Executive Director [30 TEX. ADMIN. CODE §290.106(e)].
4. Failed to provide the results of triennial sampling for stage 1 disinfectant by-product levels to the TCEQ's Executive Director [30 TEX. ADMIN. CODE § 290.113(e)].
5. Failed to collect one raw groundwater source E. coli sample from the Facility's well within 24 hours of notification of a distribution coliform positive sample, and failed to provide notification to the customers of the Facility regarding the failure to sample [30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. Immediately:
  - a. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility; and
  - b. Begin complying with applicable coliform monitoring requirements by collecting routine distribution samples every month, collecting triggered source monitoring samples when required, and providing water that meets the provisions regarding microbial contaminants.
2. Within 60 days, ensure that all delinquent drinking water chemical monitoring reports are submitted to the TCEQ's Executive Director and that all future drinking water chemical monitoring reports are submitted to the Executive Director, within ten days of the request by the TCEQ or of receipt by the Facility, whichever is later.
3. Within 75 days, submit written certification to demonstrate compliance with Technical Requirement No. 2.
4. Within 195 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.

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RN102682291

Docket No. 2011-1008-PWS-E

***Litigation Information***

**Date Petition(s) Filed:** July 14, 2011

**Date(s) Green Card(s) Signed:** July 15, 2011

**Date(s) Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

***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, President, Moore's Water System of Beaver Lake, Inc., 476 Beaver Lane, Waco, Texas 76705; John L. Moore, Director, Moore's Water System of Beaver Lake, Inc., 849 Beaver Lake Road, 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>	23-May-2011	<b>Screening</b>	10-Jun-2011	<b>EPA Due</b>	30-Jun-2011
	<b>PCW</b>	20-Jun-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.; 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>	41891	<b>No. of Violations</b>	5	
<b>Docket No.</b>	2011-1008-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</b>	<b>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>	\$1,750
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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>	129.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$2,257	
<b>Notes</b>	Enhancement for nine NOVs with same/similar violations, seven NOVs with dissimilar violations, 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
<b>Notes</b>	The Respondents do not meet the culpability criteria.				
<b>Good Faith Effort to Comply</b>	<b>Total Adjustments</b>			<b>Subtotal 5</b>	\$0
<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0	
Total EB Amounts	\$222	*Capped at the Total EB \$ Amount			
Approx. Cost of Compliance	\$625				

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,007
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	3.3%	<b>Adjustment</b>	\$131
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	An enhancement is recommended for the recovery of the avoided costs of compliance associated with Violation Nos. 1 and 5.		
	<b>Final Penalty Amount</b>	\$4,138	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,138
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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.)

<b>Notes</b>	No deferral is recommended for Findings Orders.		
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<b>PAYABLE PENALTY</b>	\$4,138
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**Screening Date**

10-Jun-2011

**Docket No.**

2011-1008-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.; Moore's Water System of Beaver Lake, Inc.

**Respondent Case ID No.**

41891

Policy Revision 2 (September 2002)

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> )	9	45%
	Other written NOVs	7	14%
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)** 129%**>> 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 nine NOVs with same/similar violations, seven NOVs with dissimilar violations, one agreed final enforcement order containing a denial of liability, and two default orders.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 129%

Screening Date 10-Jun-2011

Docket No. 2011-1008-PWS-E

PCW

Respondent Case ID No. 41891
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.; 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 §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to collect routine distribution water samples for coliform analysis and failed to provide notification to the customers of the Facility regarding the failure to conduct routine coliform monitoring. Specifically, the Respondents failed to conduct monthly coliform sampling for the months of September 2010 and February 2011 and failed to provide notification to the customers of the Facility of the failure to sample in September 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes Failure to perform routine coliform monitoring of the drinking water at the Facility could result in customers being exposed to significant amounts of undetected contaminants, which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 48 Number of violation days

Table for event frequency: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$500

Two monthly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x), Notes.

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$78

Violation Final Penalty Total \$1,182

This violation Final Assessed Penalty (adjusted for limits) \$1,182

## Economic Benefit Worksheet

**Respondent** John C. Moore dba Moore's Water System of Beaver Lake, Inc.; John L. Moore dba Moore's Water System of Beaver Lake, Inc.; Moore's Water System of Beaver Lake, Inc.  
**Case ID No.** 41891  
**Req. Ent. Reference No.** RN102682291  
**Media Violation No.** Public Water Supply  
**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]	\$50	1-Sep-2010	31-Dec-2010	1.25	\$3	\$50	\$53
Other (as needed)	\$25	1-Feb-2011	28-Feb-2011	0.00	\$0	\$25	\$25

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount to conduct routine coliform sampling of the drinking water at the Facility (\$25 per sample) and provide public notice to the Facility customers (\$25) in September 2010. The date required is the first date in which routine sampling should have been conducted and the final date is the last day that proper public notification should have been provided. The other avoided cost includes the estimated amount to conduct routine coliform sampling in February 2011, calculated for the month in which no sampling occurred.

Approx. Cost of Compliance \$75

**TOTAL** \$78

Screening Date 10-Jun-2011

Docket No. 2011-1008-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.;  
Moore's Water System of Beaver Lake, Inc.

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

Respondent Case ID No. 41891  
Reg. Ent. Reference No. RN102682291

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

Violation Number 2  
Rule Cite(s) 30 Tex. Admin. Code § 290.106(e)

Violation Description

Failed to provide the results of quarterly arsenic sampling to the TCEQ's Executive Director. Specifically, the Respondents failed to provide arsenic monitoring results for the third quarter of 2009 through the first quarter of 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 7 638 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$700

Seven quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$700

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$91

Violation Final Penalty Total \$1,655

This violation Final Assessed Penalty (adjusted for limits) \$1,655

## Economic Benefit Worksheet

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

**Case ID No.** 41891

**Req. Ent. Reference No.** RN102682291

**Media Violation No.** Public Water Supply  
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)	\$500	1-Jul-2009	31-Jan-2012	2.59	\$4	\$86	\$91
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

The delayed costs include the estimated amount to pay any outstanding lab fees so that the lab will release the arsenic sampling results and the Respondent can provide them to the TCEQ. The date required is the first quarter in which the arsenic results were not provided and the final date is the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$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

\$500

**TOTAL**

\$91

Screening Date 10-Jun-2011

Docket No. 2011-1008-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.;  
Moore's Water System of Beaver Lake, Inc.

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent Case ID No. 41891  
Reg. Ent. Reference No. RN102682291

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

Violation Number 3  
Rule Cite(s)

30 Tex. Admin. Code § 290.106(e)

Violation Description

Failed to provide the results of annual fluoride and nitrate sampling to the TCEQ's Executive Director. Specifically, the Respondents failed to provide fluoride and nitrate monitoring results for 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$200

Two annual events are recommended for the two annual sampling results not provided to the Commission.

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 does not meet the good faith criteria for this violation.

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$473

This violation Final Assessed Penalty (adjusted for limits) \$473

## Economic Benefit Worksheet

**Respondent**

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

**Case ID No.**

41891

**Req. Ent. Reference No.**

RN102682291

**Media Violation No.**

Public Water Supply  
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**

The delayed costs are captured in the economic benefit worksheet associated with Violation No. 2.

**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**

\$0

**TOTAL**

\$0

Screening Date 10-Jun-2011

Docket No. 2011-1008-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.;  
Moore's Water System of Beaver Lake, Inc.

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

Respondent Case ID No. 41891  
Reg. Ent. Reference No. RN102682291  
Media [Statute] Public Water Supply  
Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.113(e)

Violation Description

Failed to provide the results of triennial sampling for stage 1 disinfectant by-product levels to the TCEQ's Executive Director. Specifically, the Respondents failed to provide stage 1 disinfectant by-product level monitoring results for the sampling period from January 1, 2008 through December 31, 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

1095 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended for the one monitoring period.

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 does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$236

This violation Final Assessed Penalty (adjusted for limits) \$236

## Economic Benefit Worksheet

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

**Case ID No.** 41891

**Req. Ent. Reference No.** RN102682291

**Media Violation No.** Public Water Supply  
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				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

The delayed costs are captured in the economic benefit worksheet associated with Violation No. 2.

### 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

\$0

**TOTAL**

\$0

Screening Date 10-Jun-2011

Docket No. 2011-1008-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.;  
Moore's Water System of Beaver Lake, Inc.

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent Case ID No. 41891  
Reg. Ent. Reference No. RN102682291

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

Violation Number 5  
Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(4)(B) and 290.122(c)(2)

Violation Description

Failed to collect one raw groundwater source E. coli sample from the Facility's well within 24 hours of notification of a distribution total coliform positive sample and failed to provide notification to the customers of the Facility regarding the failure to sample. Specifically, the Respondents failed to collect a raw water sample for E. coli analysis following a positive coliform sample and failed to post public notification of the failure to collect a raw water sample in January 2011.

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 collect triggered source monitoring samples could result in customers of the Facility being exposed to significant amounts of undetected contaminants, including E. coli, which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

31 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction  
Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$591

This violation Final Assessed Penalty (adjusted for limits) \$591

## Economic Benefit Worksheet

**Respondent** John C. Moore dba Moore's Water System of Beaver Lake, Inc.; John L. Moore dba Moore's Water System of Beaver Lake, Inc.; Moore's Water System of Beaver Lake, Inc.  
**Case ID No.** 41891  
**Req. Ent. Reference No.** RN102682291  
**Media Violation No.** Public Water Supply  
 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				0.00	\$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]	\$50	1-Jan-2011	30-Apr-2011	1.24	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount to conduct triggered source monitoring of the drinking water at the Facility (\$25 per sample) and to provide public notice to the Facility customers (\$25) of the failure to monitor in January 2011. The date required is the first day that sampling should have been performed and the final date is the last day that proper public notice should have been provided.

Approx. Cost of Compliance \$50

**TOTAL** \$53

## 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:	June 21, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 21, 2006 to June 21, 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? No
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: Minor

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: Minor

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: Minor

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

Description: Failure to complete customer service inspection certificates.

Classification: Minor

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; and 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: Minor

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: Minor

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: Minor

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

Rqmt Prov: 2008-0105-PWS-E Ordering Prov. No. 2.a. ORDER

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: OP 2.e. ORDER

Description: Failure to provide an adequate service pumping capacity. Failure to comply with Commission Order

Docket Number 2008-0105-PWS-E.

Classification: Major

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

Rqmt Prov: OP 2.c.i ORDER

Description: Failure to provide a plant operations manual. Failure to comply with Commission Order 2008-0105-PWS-E.

Classification: Major

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

Rqmt Prov: OP 2. c. ii ORDER

Description: Failure to complete customer service inspection certificates and to comply with Commission Order 2008-0105-PWS-E.

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 05/09/2008 (655009)
- 6 02/28/2007 (700988)
- 7 09/02/2008 (701058)
- 8 08/10/2007 (701068)
- 9 11/12/2007 (701076)
- 10 08/28/2008 (702182)
- 11 05/20/2009 (742561)
- 12 01/27/2010 (788084)
- 13 03/18/2011 (892041)
- 14 05/17/2011 (920463)
- 15 05/12/2011 (920928)
- 16 05/17/2011 (921093)
- 17 05/17/2011 (921101)
- 18 05/13/2011 (921144)
- 19 05/12/2011 (921184)
- 20 05/12/2011 (921186)
- 21 05/12/2011 (921187)
- 22 05/12/2011 (921188)
- 23 05/12/2011 (921189)

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

**Date:** 12/08/2006 (518238) **CN603345018**  
 Self Report? NO Classification: Minor  
 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: Minor  
 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: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)  
 Description: Failure to complete customer service inspection certificates.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)  
 Description: Failure to employ a licensed water operator.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
 Description: Failure to provide a plant operations manual.

**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 (652433) **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:** 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: Major  
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.

**Date:** 10/26/2010 (920463) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 09/2010 - Failure to collect any routine monitoring sample(s).

**Date:** 03/31/2011 (921101) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 02/2011 - Failure to collect any routine monitoring sample(s).

**Date:** 05/05/2011 (921093) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  
Description: GWR Triggered Source Monitoring Violation 01/2011 - Failure to collect any triggered source monitoring sample(s) following a coliform found result.

**Date:** 05/12/2011 (921189) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(c)  
30 TAC Chapter 290, SubChapter F 290.113(e)  
Description: This system failed to report disinfectant byproducts levels in the distribution system, referred to as DS01, to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

**Date:** 05/12/2011 (921184) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to report arsenic levels at EP001, to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

**Date:** 05/12/2011 (920928) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to report arsenic levels at EP001 to the TCEQ for the third quarter of 2010. The system also failed to report arsenic levels to the TCEQ for the first and second quarters of 2010 and the third and fourth quarters of 2009, but no notices of violation were sent to the system for these violations.

**Date:** 05/12/2011 (921186) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to report arsenic levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

**Date:** 05/12/2011 (921188) **CN603345018**  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

**Date:** 05/12/2011 (921187) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to report fluoride levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

- 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:	June 21, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 21, 2006 to June 21, 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? No
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: Minor

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: Minor

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: Minor

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

Description: Failure to complete customer service inspection certificates.

Classification: Minor

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; and 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: Minor

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: Minor

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: Minor

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

Rqmt Prov: 2008-0105-PWS-E Ordering Prov. No. 2.a. ORDER

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: OP 2.e. ORDER

Description: Failure to provide an adequate service pumping capacity. Failure to comply with Commission Order

Docket Number 2008-0105-PWS-E.

Classification: Major

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

Rqmt Prov: OP 2.c.i ORDER

Description: Failure to provide a plant operations manual. Failure to comply with Commission Order 2008-0105-PWS-E.

Classification: Major

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

Rqmt Prov: OP 2. c. ii ORDER

Description: Failure to complete customer service inspection certificates and to comply with Commission Order 2008-0105-PWS-E.

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 05/09/2008 (655009)
- 6 02/28/2007 (700988)
- 7 09/02/2008 (701058)
- 8 08/10/2007 (701068)
- 9 11/12/2007 (701076)
- 10 08/28/2008 (702182)
- 11 05/20/2009 (742561)
- 12 01/27/2010 (788084)
- 13 03/18/2011 (892041)
- 14 05/17/2011 (920463)
- 15 05/12/2011 (920928)
- 16 05/17/2011 (921093)
- 17 05/17/2011 (921101)
- 18 05/13/2011 (921144)
- 19 05/12/2011 (921184)
- 20 05/12/2011 (921186)
- 21 05/12/2011 (921187)
- 22 05/12/2011 (921188)
- 23 05/12/2011 (921189)

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

**Date: 12/08/2006 (518238) CN603345018**  
 Self Report? NO Classification: Minor  
 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: Minor  
 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: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)  
 Description: Failure to complete customer service inspection certificates.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)  
 Description: Failure to employ a licensed water operator.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
 Description: Failure to provide a plant operations manual.

**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 (652433) 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: 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: Major  
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.

**Date:** 10/26/2010 (920463) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 09/2010 - Failure to collect any routine monitoring sample(s).

**Date:** 03/31/2011 (921101) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 02/2011 - Failure to collect any routine monitoring sample(s).

**Date:** 05/05/2011 (921093) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  
Description: GWR Triggered Source Monitoring Violation 01/2011 - Failure to collect any triggered source monitoring sample(s) following a coliform found result.

**Date:** 05/12/2011 (921189) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(c)  
30 TAC Chapter 290, SubChapter F 290.113(e)  
Description: This system failed to report disinfectant byproducts levels in the distribution system, referred to as DS01, to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

**Date:** 05/12/2011 (921184) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to report arsenic levels at EP001, to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

**Date:** 05/12/2011 (920928) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to report arsenic levels at EP001 to the TCEQ for the third quarter of 2010. The system also failed to report arsenic levels to the TCEQ for the first and second quarters of 2010 and the third and fourth quarters of 2009, but no notices of violation were sent to the system for these violations.

**Date:** 05/12/2011 (921186) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to report arsenic levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

**Date:** 05/12/2011 (921188) **CN603345018**  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

**Date:** 05/12/2011 (921187) **CN603345018**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to report fluoride levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

- 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. 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: June 21, 2011  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: June 21, 2006 to June 21, 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? No
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: Minor

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: Minor

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: Minor

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

Description: Failure to complete customer service inspection certificates.

Classification: Minor

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; and 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: Minor

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: Minor

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: Minor

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

Rqmt Prov: 2008-0105-PWS-E Ordering Prov. No. 2.a. ORDER

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: OP 2.e. ORDER

Description: Failure to provide an adequate service pumping capacity. Failure to comply with Commission Order

Docket Number 2008-0105-PWS-E.

Classification: Major

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

Rqmt Prov: OP 2.c.i ORDER

Description: Failure to provide a plant operations manual. Failure to comply with Commission Order 2008-0105-PWS-E.

Classification: Major

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

Rqmt Prov: OP 2. c. ii ORDER

Description: Failure to complete customer service inspection certificates and to comply with Commission Order 2008-0105-PWS-E.

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 05/09/2008 (655009)
- 6 02/28/2007 (700988)
- 7 09/02/2008 (701058)
- 8 08/10/2007 (701068)
- 9 11/12/2007 (701076)
- 10 08/28/2008 (702182)
- 11 05/20/2009 (742561)
- 12 01/27/2010 (788084)
- 13 03/18/2011 (892041)
- 14 05/17/2011 (920463)
- 15 05/12/2011 (920928)
- 16 05/17/2011 (921093)
- 17 05/17/2011 (921101)
- 18 05/13/2011 (921144)
- 19 05/12/2011 (921184)
- 20 05/12/2011 (921186)
- 21 05/12/2011 (921187)
- 22 05/12/2011 (921188)
- 23 05/12/2011 (921189)

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

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

Self Report? NO Classification: Minor

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: Minor

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: Minor

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

Description: Failure to complete customer service inspection certificates.

Self Report? NO Classification: Minor

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

Description: Failure to employ a licensed water operator.

Self Report? NO Classification: Minor

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

Description: Failure to provide a plant operations manual.

**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 (652433) 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: 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: Major  
 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.

**Date:** 10/26/2010 (920463) **CN603345018**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 09/2010 - Failure to collect any routine monitoring sample(s).

**Date:** 03/31/2011 (921101) **CN603345018**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 02/2011 - Failure to collect any routine monitoring sample(s).

**Date:** 05/05/2011 (921093) **CN603345018**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  
 Description: GWR Triggered Source Monitoring Violation 01/2011 - Failure to collect any triggered source monitoring sample(s) following a coliform found result.

**Date:** 05/12/2011 (921189) **CN603345018**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(c)  
 30 TAC Chapter 290, SubChapter F 290.113(e)  
 Description: This system failed to report disinfectant byproducts levels in the distribution system, referred to as DS01, to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

**Date:** 05/12/2011 (921184) **CN603345018**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
 30 TAC Chapter 290, SubChapter F 290.106(e)  
 Description: This system failed to report arsenic levels at EP001, to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

**Date:** 05/12/2011 (920928) **CN603345018**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
 30 TAC Chapter 290, SubChapter F 290.106(e)  
 Description: This system failed to report arsenic levels at EP001 to the TCEQ for the third quarter of 2010. The system also failed to report arsenic levels to the TCEQ for the first and second quarters of 2010 and the third and fourth quarters of 2009, but no notices of violation were sent to the system for these violations.

**Date:** 05/12/2011 (921186) **CN603345018**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
 30 TAC Chapter 290, SubChapter F 290.106(e)  
 Description: This system failed to report arsenic levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

**Date:** 05/12/2011 (921188) **CN603345018**  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
 30 TAC Chapter 290, SubChapter F 290.106(e)  
 Description: This system failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

**Date:** 05/12/2011 (921187) **CN603345018**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)  
 30 TAC Chapter 290, SubChapter F 290.106(e)  
 Description: This system failed to report fluoride levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

- 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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>JOHN C. MOORE d/b/a MOORE'S WATER</b>	<b>§</b>	
<b>SYSTEM OF BEAVER LAKE, INC.</b>	<b>§</b>	
<b>(a/k/a MOORE'S WATER SYSTEM);</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>JOHN L. MOORE d/b/a MOORE'S WATER</b>	<b>§</b>	
<b>SYSTEM OF BEAVER LAKE, INC.</b>	<b>§</b>	
<b>(a/k/a MOORE'S WATER SYSTEM);</b>	<b>§</b>	
<b>AND MOORE'S WATER SYSTEM OF</b>	<b>§</b>	
<b>BEAVER LAKE, INC.</b>	<b>§</b>	
<b>(a/k/a MOORE'S WATER SYSTEM);</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>RN102682291</b>	<b>§</b>	

**DEFAULT ORDER**

**DOCKET NO. 2011-1008-PWS-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondents. The respondents made the subject of this Order are John C. Moore d/b/a Moore's Water System of Beaver Lake, Inc. (a/k/a Moore's Water System) ("John C. Moore"); John L. Moore d/b/a Moore's Water System of Beaver Lake, Inc. (a/k/a Moore's Water System) ("John L. Moore"); and Moore's Water System of Beaver Lake, Inc. (a/k/a Moore's Water System) ("Moore's Water System") (jointly referred to as "Respondents").

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

**FINDINGS OF FACT**

1. Respondents own and operate a public water system located at 476 Beaver Lane in Waco, McLennan County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 89 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).
2. During a record review conducted on May 12, 2011, a TCEQ Public Drinking Water Program investigator documented that Respondents:
  - a. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification to the customers of the Facility regarding the failure to conduct routine coliform monitoring. Specifically, Respondents failed to conduct monthly coliform sampling for the months of September 2010 and February 2011 and failed to provide notification to the customers of the Facility of the failure to sample in September 2010;

- b. Failed to provide the results of quarterly arsenic sampling to the TCEQ's Executive Director. Specifically, Respondents failed to provide arsenic monitoring results for the third quarter of 2009 through the first quarter of 2011;
  - c. Failed to provide the results of annual fluoride and nitrate sampling to the TCEQ's Executive Director. Specifically, Respondents failed to provide fluoride and nitrate monitoring results for 2010;
  - d. Failed to provide the results of triennial sampling for stage 1 disinfectant by-product levels to the TCEQ's Executive Director. Specifically, Respondents failed to provide stage 1 disinfectant by-product level monitoring results for the sampling period from January 1, 2008, through December 31, 2010; and
  - e. Failed to collect one raw groundwater source E. coli sample from the Facility's well within 24 hours of notification of a distribution total coliform positive sample, and failed to provide notification to the customers of the Facility regarding the failure to sample. Specifically, Respondents failed to collect a raw water sample for E. coli analysis following a positive coliform sample and failed to post public notification of the failure to collect a raw water sample in January 2011.
3. Respondents received notice of the violations on or about May 18, 2011.
  4. 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. (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)" (the "EDPRP") in the TCEQ Chief Clerk's office on July 14, 2011.
  5. By letter dated July 14, 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 July 15, 2011, as evidenced by the signatures on the cards.
  6. 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.

### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondents are 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. 2.a., Respondents failed to collect routine distribution water samples for coliform analysis and failed to provide public notification to the customers of the Facility regarding the failure to conduct routine coliform monitoring, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to provide the results of quarterly arsenic sampling to the TCEQ's Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
4. As evidenced by Finding of Fact No. 2.c., Respondents failed to provide the results of annual fluoride and nitrate sampling to the TCEQ's Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
5. As evidenced by Finding of Fact No. 2.d., Respondents failed to provide the results of triennial sampling for stage 1 disinfectant by-product levels to the TCEQ's Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.113(e).
6. As evidenced by Finding of Fact No. 2.e., Respondents failed to collect one raw groundwater source E. coli sample from the Facility's well within 24 hours of notification of a distribution total coliform positive sample, and failed to provide notification to the customers of the Facility regarding the failure to sample, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2).
7. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served each Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).
8. As evidenced by Finding of Fact No. 6, 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. HEALTH & SAFETY CODE § 341.049 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.
9. 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.
10. An administrative penalty in the amount of four thousand one hundred thirty-eight dollars (\$4,138.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
11. 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 four thousand one hundred thirty-eight dollars (\$4,138.00) 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. (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); Docket No. 2011-1008-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. Immediately upon the effective date of this Order, Respondents shall:
    - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
    - ii. Begin complying with applicable coliform monitoring requirements by collecting routine distribution samples every month, collecting triggered source monitoring samples when required, and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six months of compliant monitoring and reporting.
  - b. Within 60 days after the effective date of this Order, Respondents shall ensure that all delinquent drinking water chemical monitoring reports are submitted to the TCEQ's Executive Director and that all future drinking water chemical monitoring reports are submitted to the Executive Director within ten days of the request by the TCEQ or of the receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 and 290.133.

- c. Within 75 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.b.
- d. Within 195 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.a.
- e. The certification required by Ordering Provision Nos. 3.c. and 3.d. 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 fine and imprisonment for knowing violations."

Respondents shall submit the written certifications and supporting 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.

**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)  
Docket No. 2011-1008-PWS-E  
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**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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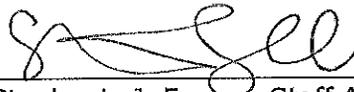
**COUNTY OF TRAVIS**

"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. (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)" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on July 14, 2011.

The EDPRP was mailed to each Respondent's last known address on July 14, 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 July 15, 2011, as evidenced by the signatures on the cards.

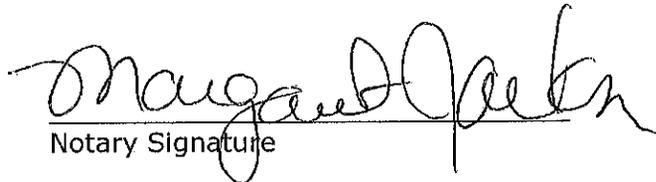
More than 20 days have elapsed since Respondents received notice of the EDPRP. Respondents failed to file an answer and failed to request a hearing."



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 9th day of August, A.D. 2011.



Notary Signature

