

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO. 2009-0973-PWS-E RN101281749 CASE NOS. 36868 & 37837

RESPONDENT NAME: LEANN BAKER, ALLAN STUART, TERRI STUART, AND LEE WILLIS, DBA PLEASURE POINT WATER SYPLY CORPORATION

ORDER TYPE:		
<input type="checkbox"/> AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> WATER RIGHTS	<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<input type="checkbox"/> USED OIL	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> WATER UTILITY

SITE WHERE VIOLATION(S) OCCURRED: State Highway 147 approximately 3.5 miles from Zavalla, Angelina County

TYPE OF OPERATION: Public water system

SMALL BUSINESS: Yes No N/A

OTHER SIGNIFICANT MATTERS: There are no complaints related to this enforcement action. There is no record of additional pending enforcement actions regarding this facility location.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired December 20, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Xavier Guerra, Litigation Division, MC 175, (512) 239-3400
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Andrea Linson-Mgbeoduru, Water Enforcement Section, MC 169, (512) 239-1482

TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondents: LeAnn Baker, 761 Norris Street, Zavalla, Texas 75980-3694
Allan Stuart, 201 Garrison Street, Zavalla, Texas 75980-3685
Terri Stuart, 201 Garrison Street, Zavalla, Texas 75980-3685
Lee Willis, 800 County Road 4445, Spurger, Texas 775660-9293

Respondents' Attorney: Not represented by counsel on this enforcement matter.

**RESPONDENT NAME: LEANN BAKER, ALLAN STUART, TERRI STUART, Page 2 of 4
AND LEE WILLIS, DBA PLEASURE POINT WATER SUPPLY CORPORATION
DOCKET NO. 2009-0973-PWS-E**

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaint(s): N/A</p> <p>Dates of Investigation: October 8, 2008, January 12, 2009, and March 1, 2009</p> <p>Dates of NOEs: October 10, 2008, March 2, 2009, and June 3, 2009</p> <p>Background Facts: EDPRPs were filed on February 9, 2010, and May 3, 2010, however, service was unsuccessful. The EDPRP was re-filed on July 29, 2010, and mailed to Respondents via first class mail and certified mail, return receipt requested. The USPS returned the EDPRPs sent by certified mail to LeAnn Baker and Lee Willis as "Refused," and returned the EDPRPs sent by certified mail to Allan Stuart and Terri Stuart as "unclaimed." The first class mail has not been returned. Respondents failed to file an answer and failed to request a hearing.</p> <p>Current Compliance Status: Respondents have not yet submitted documentation demonstrating compliance with the technical requirements.</p> <p>PWS:</p> <ol style="list-style-type: none"> 1. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on running annual averages [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 2. Failed to comply with the MCL of 0.060 mg/L for haloacetic acid ("HAA5") based on running annual averages [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 3. Failed to provide Well No. 3 with a flow measuring device to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)]. 4. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)]. 	<p>Total Assessed: \$7,389</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$7,389</p> <p>This is a Default Order. Respondents have not actually paid any of the assessed administrative penalty but will be required to do so within 30 days under the terms of this Order.</p> <p>Compliance History Classifications: <i>Person/CN</i> – N/A <i>Site/RN</i> – N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>Respondents shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Immediately, operate the disinfection equipment to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 mg/L of free chlorine. 2. Within 10 days, begin complying with applicable coliform monitoring requirements by collecting routine distribution coliform samples, and provide water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting. 3. Within 30 days, submit written certification to demonstrate compliance with Ordering Provision No. 1. 4. Within 60 days: <ol style="list-style-type: none"> a. Provide an operational flow measuring device on Well No. 3 to facilitate daily reading to measure production yields and provide for the accumulation of water production data; b. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but not limited to repairing the cracked sealing block of Well No. 2; c. Provide a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch on the overflows of the 3,200 gallon steel ground storage tank and the two 3,000 gallon polyethylene ground storage tanks; d. Compile and began maintaining an accurate and up-to-date record of water works operation and maintenance activities, including but not limited to: records of the amount of chemicals used each week, amount of water treated each week, flushing records for the dead-end mains, records of the annual inspection of the ground storage and pressure tanks,

**RESPONDENT NAME: LEANN BAKER, ALLAN STUART, TERRI STUART, Page 3 of 4
AND LEE WILLIS, DBA PLEASURE POINT WATER SUPPLY CORPORATION
DOCKET NO. 2009-0973-PWS-E**

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>6. Failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>7. Failed to provide ground storage tank overflows with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>8. Failed to operate the disinfection equipment to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 mg/L of free chlorine [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4)].</p> <p>9. Failed to maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iv), (f)(3)(D)(ii), and (i)].</p> <p>10. Failed to provide sanitary control easements covering all land within 150 feet of the Facility's wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>11. Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>12. Failed to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>13. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>14. Failed to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>		<p>completed customer service agreements for all customers of the Facility, and an up-to-date chemical and microbiological monitoring plan;</p> <p>e. Provide an accurate and up-to-date map of the distribution system; and</p> <p>f. Compile and begin maintaining an up-to-date chemical and microbiological monitoring plan.</p> <p>5. Within 90 days:</p> <p>a. Submit written certification to demonstrate compliance with Ordering Provision No. 4; and</p> <p>b. Secure from adjacent landowners a sanitary control easement covering all property within 150 feet of Well Nos. 2 and 3 and record the deeds at the county courthouse, or obtain an exception from the Executive Director.</p> <p>6. Within 120 days, submit written certification to demonstrate compliance with Ordering Provision No. 5.</p> <p>7. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision No. 2.</p> <p>8. Within 365 days:</p> <p>a. Return to compliance with the running annual average MCL for TTHM;</p> <p>b. Return to compliance with the running annual average MCL for HAA5;</p> <p>c. Provide a minimum well capacity of 0.6 gpm per connection;</p> <p>d. Provide a total storage capacity of 200 gallons per connection;</p> <p>e. Provide two or more service pumps having a total capacity of 2.0 gpm per connection; and</p> <p>f. Provide a pressure tank capacity of 20 gallons per connection.</p> <p>9. Within 380 days, submit written certification to demonstrate compliance with Ordering Provision No. 8.</p>

**RESPONDENT NAME: LEANN BAKER, ALLAN STUART, TERRI STUART, Page 4 of 4
AND LEE WILLIS, DBA PLEASURE POINT WATER SUPPLY CORPORATION
DOCKET NO. 2009-0973-PWS-E**

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>15. Exceeded the MCL for coliform bacteria and Failed to provide public notice for the MCL exceedance for June 2008 [30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.031(a)].</p> <p>16. Failed to collect at least five routine distribution coliform samples during the month following a total coliform-positive sample result and failed to provide public notice of the failure to conduct bacteriological sampling for the month of July 2008 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A)].</p> <p>17. Failed to collect and submit routine distribution coliform samples for the months of December 2008 through February 2009 [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	12-Dec-2008			
	PCW	16-Sep-2009	Screening	10-Mar-2009	EPA Due 31-Aug-2008

RESPONDENT/FACILITY INFORMATION	
Respondent	LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Reg. Ent. Ref. No.	RN101281749
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36868	No. of Violations	2
Docket No.	2009-0973-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeodur
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **57.0%** Enhancement *Subtotals 2, 3, & 7* **\$285**

Notes
Enhancement due to 4 Notices of Violations ("NOV") with same or similar violations as those in the current enforcement action, six dissimilar NOV, and one prior default order without a denial of liability.

Culpability **Yes** **25.0%** Enhancement *Subtotal 4* **\$125**

Notes
Respondents received one alert letter for total trihalomethanes ("TTHM") exceedance, dated October 17, 2007; and one alert letter for Haloacetic Acid ("HAA5") exceedance, dated March 13, 2008.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **\$0**

Economic Benefit **0.0%** Enhancement* *Subtotal 6* **\$0**

Total EB Amounts **\$1,291**
Approx. Cost of Compliance **\$10,000**
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$910**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** *Adjustment* **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$910**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$910**

DEFERRAL **0.0%** Reduction *Adjustment* **\$0**

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.

PAYABLE PENALTY **\$910**

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E

PCW

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, d

Policy Revision 2 (September 2002)

Case ID No. 36868

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101281749

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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%

Please Enter Yes or No

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) 57%

>> 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 due to 4 Notices of Violations ("NOV") with same or similar violations as those in the current enforcement action, six dissimilar NOV, and one prior default order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 57%

Screening Date 10-Mar-2009 Docket No. 2009-0973-PWS-E PCW

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba
 Pleasure Point Water Supply Corporation *Policy Revision 2 (September 2002)*
 Case ID No. 36868 *PCW Revision October 30, 2008*
 Reg. Ent. Reference No. RN101281749
 Media [Statute] Public Water Supply
 Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number
 Rule Cite(s)
 Violation Description
 Base Penalty

>> Environmental, Property and Human Health Matrix
 OR

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

 >> Programmatic Matrix

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

 Matrix Notes
 Adjustment

Violation Events
 Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text" value="x"/>
	single event	<input type="text"/>

 Violation Base Penalty

Good Faith Efforts to Comply Reduction
 Before NOV NOV to EDRP/Settlement Offer
 Extraordinary
 Ordinary
 N/A (mark with x)
 Notes
 Violation Subtotal

Economic Benefit (EB) for this violation Statutory Limit Test
 Estimated EB Amount Violation Final Penalty Total
 This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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)	\$5,000	13-Nov-2007	30-Sep-2010	2.88	\$721	n/a	\$721

Notes for DELAYED costs

The delayed costs includes the amount for the water supply to implement an alternative form of disinfection, calculated from the first quarter of noncompliance 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

\$5,000

TOTAL

\$721

Screening Date 10-Mar-2009 Docket No. 2009-0973-PWS-E PCW

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba
 Pleasure Point Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36868 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101281749

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(5) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level of 0.060 mg/L for HAA5 based on running annual averages. Specifically, at the time of the record review, it was documented that the running annual average concentration for HAA5 was 0.075 mg/L for the first quarter 2008 and 0.118 mg/L for the second quarter of 2008.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Customers of the water supply have been exposed to significant amounts of pollutants which did not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 279 Number of violation days

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

Violation Base Penalty \$250

One annual event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$571 Violation Final Penalty Total \$455

This violation Final Assessed Penalty (adjusted for limits) \$455

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
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				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)	\$5,000	19-Jun-2008	30-Sep-2010	2.28	\$571	n/a	\$571

Notes for DELAYED costs

The delayed costs includes the amount for the water supply to implement an alternative form of disinfection, calculated from the first quarter of noncompliance 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

\$5,000

TOTAL

\$571



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	12-Dec-2008			
	PCW	16-Sep-2009	Screening	10-Mar-2009	EPA Due 31-Aug-2008

RESPONDENT/FACILITY INFORMATION	
Respondent	LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Reg. Ent. Ref. No.	RN101281749
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36868	No. of Violations	12
Docket No.	2009-0973-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeodur
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$2,050**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **45.0%** Enhancement *Subtotals 2, 3, & 7* **\$922**

Notes: Enhancement due to 10 Notices of Violations with violations that are dissimilar to those in the current enforcement action and one prior default order without a denial of liability.

Culpability **No** **0.0%** Enhancement *Subtotal 4* **\$0**

Notes: Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **\$0**

Economic Benefit **50.0%** Enhancement* *Subtotal 6* **\$1,025**

Total EB Amounts \$64,985
 Approx. Cost of Compliance \$308,020
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$3,997**

OTHER FACTORS AS JUSTICE MAY REQUIRE **2.9%** *Adjustment* **\$114**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs.

Final Penalty Amount **\$4,111**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$4,111**

DEFERRAL **0.0%** Reduction *Adjustment* **\$0**

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.

PAYABLE PENALTY **\$4,111**

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, d
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

PCW

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

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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) 45%

>> 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 due to 10 Notices of Violations with violations that are dissimilar to those in the current enforcement action and one prior default order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

Screening Date 10-Mar-2009 Docket No. 2009-0973-PWS-E PCW

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba
 Case ID No. 36868
 Reg. Ent. Reference No. RN101281749
 Media [Statute] Public Water Supply
 Enf. Coordinator Andrea Linson-Mgbeoduru

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="5%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

Before NOV NOV to EDPRP/Settlement

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$100	26-Sep-2007	31-Oct-2009	2.10	\$1	\$14	\$15
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 cost includes the amount necessary to install a properly functioning flow meter on Well No. 3. The date required is the investigation date initially documenting the violation. The final date is the estimated date of compliance.

Avoided Costs

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

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

\$15

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E **PCW**

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba
 Pleasure Point Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36868 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101281749

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 2

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

Violation Description
 Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the record review, it was documented that the sealing block of Well No. 2 was cracked and in need of repair.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes
 If the Facility and its equipment are not maintained, customers of the Facility could be exposed to a significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the record review date, January 12, 2009, to the screening date, March 10, 2009.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$15 **Violation Final Penalty Total** \$201

This violation Final Assessed Penalty (adjusted for limits) \$201

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
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	\$100	26-Sep-2007	31-Oct-2009	2.10	\$1	\$14	\$15
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 cost includes the amount necessary to repair the sealing block on Well No. 2. The date required is the investigation date initially documenting the violation. 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

\$100

TOTAL

\$15

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasur *Policy Revision 2 (September 2002)*
Case ID No. 36868 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Major	Moderate	Minor	Percent <input type="text" value="5%"/>
Falsification <input type="text"/>	<input type="text"/>	x	<input type="text"/>	

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	26-Sep-2007	31-Dec-2009	2.27	\$2	\$30	\$32
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 cost includes the amount to develop and maintain an accurate and up-to-date map of the distribution system that shows the locations of the Facility's mains and valves. The date required is the investigation date initially documenting the violation. 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

\$200

TOTAL

\$32

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasu *Policy Revision 2 (September 2002)*
Case ID No. 36868 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 4

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

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

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent 0%
	Release	Major	Moderate	Minor	
	Actual				
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 10%
		x			

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 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.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$32 **Violation Final Penalty Total** \$201

This violation Final Assessed Penalty (adjusted for limits) \$201

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	26-Sep-2007	31-Dec-2009	2.27	\$2	\$30	\$32
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 amount necessary to develop and maintain an accurate and up-to-date chemical and microbiological monitoring plan. The date required is the investigation date initially documenting the violation. The final date is the estimated compliance date.

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

\$200

TOTAL

\$32

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasu *Policy Revision 2 (September 2002)*
Case ID No. 36868 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text" value="(mark with x)"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$100	26-Sep-2007	31-Oct-2009	2.10	\$1	\$14	\$15
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 cost includes the amount necessary to provide the overflow on the ground storage tanks with gravity-hinged and weighted covers that fit tightly with no gap over 1/16 inch. The date required is the investigation date initially documenting the violation. 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

\$100

TOTAL

\$15

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasu *Policy Revision 2 (September 2002)*
Case ID No. 36868 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4)

Violation Description Failed to operate the disinfection equipment to maintain the residual disinfectant concentration in the water within the distribution system at least 0.2 mg/L of free chlorine. Specifically, at the time of the record review, it was documented that a field test conducted on September 26, 2007, at the Baker residence on Lynn Street revealed a free chlorine residual of 0.04 mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0%

Matrix Notes Failure to maintain a residual disinfectant concentration at a minimum of 0.2 mg/L free chlorine could result in the delivery of a significant amount of contaminated water to the public which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$114 **Violation Final Penalty Total** \$201

This violation Final Assessed Penalty (adjusted for limits) \$201

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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]	\$100	26-Sep-2007	1-Sep-2009	2.85	\$14	\$100	\$114
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary to operate the disinfection equipment and increase chlorine dosage to maintain a minimum free chlorine residual of 0.2 mg/L. The date required is the investigation date initially documenting the violation. The final date is the estimated date of compliance.

Approx. Cost of Compliance

\$100

TOTAL

\$114

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasur *Policy Revision 2 (September 2002)*
Case ID No. 36868 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(III), 290.46(f)(3)(A)(ii)(III), 290.46(f)(3)(A)(iv), 290.46(f)(3)(D)(ii) and 290.46(i)
Violation Description Failed to maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities. Specifically, at the time of the record review, it was documented that the following documents were not available: records of the amount of chemicals used each week, amount of water treated each week, flushing records for the dead-end mains, records of the annual inspection of the ground storage and pressure tanks, and completed customer service agreements for all customers of the Facility.

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		5%

Matrix Notes The Respondent has failed to meet between 30-70% of the rule requirement.

Adjustment \$950

\$50

Violation Events

	1	57	Number of violation days
<i>mark only one with an x</i>	daily		Violation Base Penalty \$50
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

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 Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$50

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

Estimated EB Amount \$26 **Violation Final Penalty Total** \$100
This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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	\$250	26-Sep-2007	31-Oct-2009	2.10	\$26	n/a	\$26
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 amount necessary to develop and maintain a record of operations for the Facility. The date required is the investigation date initially documenting the violation. The final date is the estimated compliance date.

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

\$250

TOTAL

\$26

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasu *Policy Revision 2 (September 2002)*
Case ID No. 36868 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 8

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

Violation Description Failed to provide sanitary control easements covering all land within 150 feet of the Facility's wells. Specifically, at the time of the record review, it was documented that the Facility did not have sanitary control easements for Well Nos. 2 and 3.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to secure sanitary control easements could expose customers of the water supply to insignificant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

2 57 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events are recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$63 **Violation Final Penalty Total** \$201

This violation Final Assessed Penalty (adjusted for limits) \$201

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$400	26-Sep-2007	31-Dec-2009	2.27	\$3	\$60	\$63
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 cost includes the amount necessary to secure sanitary control easements covering land within 150 feet of the well sites. The date required is the investigation date initially documenting the violation. 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

\$400

TOTAL

\$63

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasur *Policy Revision 2 (September 2002)*
Case ID No. 36868 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the record review, it was documented that the Facility has 56 service connections which require 34 gpm. Currently, the Facility provides approximately 13 gpm, which indicates a 62% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Inadequate well capacity could result in water outages and backflow problems exposing customers to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 57 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the record review date, January 12, 2009, to the screening date, March 10, 2009.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$500

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

Estimated EB Amount \$52,740 **Violation Final Penalty Total** \$1,003

This violation Final Assessed Penalty (adjusted for limits) \$1,003

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$250,000	26-Sep-2007	30-Sep-2010	3.01	\$2,511	\$50,228	\$52,740
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 cost includes the amount necessary to provide a well capacity of 0.6 gpm per connection. The date required is the date originally documenting the violation. 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

\$250,000

TOTAL

\$52,740

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasu *Policy Revision 2 (September 2002)*
Case ID No. 36868 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$4,300	26-Sep-2007	30-Sep-2010	3.01	\$43	\$864	\$907
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 cost includes the amount necessary to provide a total storage capacity of 200 gallons per connection. The date required is the investigation date initially documenting the violation. The date required 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

\$4,300

TOTAL

\$907

Screening Date 10-Mar-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasu *Policy Revision 2 (September 2002)*
Case ID No. 36868 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description
 Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, at the time of the record review, it was documented that the Facility has 56 service connections which require 112 gpm. Currently, the Facility operates two 30 gpm service pumps producing a total of 60 gpm, which indicates a 46% deficiency.

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 provide a minimum service pump capacity of 2.0 gpm per connection could result in the Facility's inability to provide a safe and adequate water supply, exposing customers to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the record review date, January 12, 2009, to the screening date, March 10, 2009.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$5,865 **Violation Final Penalty Total** \$201

This violation Final Assessed Penalty (adjusted for limits) \$201

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$27,800	26-Sep-2007	30-Sep-2010	3.01	\$279	\$5,585	\$5,865
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 cost includes the amount necessary to provide two or more service pumps having a total capacity of 2.0 gpm per connection. The date required is the investigation date initially documenting the violation. 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

\$27,800

TOTAL

\$5,865

Screening Date	10-Mar-2009	Docket No.	2009-0973-PWS-E	PCW
Respondent	LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasu			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36868			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101281749			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson-Mgbeoduru			

V12

Rule Cite(s)

Violation Description Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, at the time of the record review, it was documented the Facility has 56 service connections which require a minimum pressure tank capacity of 1,120 gallons. Currently, the Facility operates two 125-gallon pressure tanks providing 250 gallons, which indicates a 78% deficiency.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failing to provide the minimum pressure tank capacity could result in low pressure and water outages exposing customers to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Two monthly events are recommended, calculated from the record review date, January 12, 2009, to the screening date, March 10, 2009.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 36868
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$24,470	26-Sep-2007	30-Sep-2010	3.01	\$246	\$4,916	\$5,162
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 cost includes the amount necessary to provide a pressure tank capacity of 20 gallons per connection. The date required is the investigation date initially documenting the violation. 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

\$24,470

TOTAL

\$5,162



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Jun-2009	Screening	8-Jun-2009	EPA Due	28-Feb-2009
	PCW	16-Sep-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation		
Reg. Ent. Ref. No.	RN101281749		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	37837	No. of Violations	3
Docket No.	2009-0973-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeoduru
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	60.0% Enhancement	Subtotals 2, 3, & 7	\$750
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Notes: Enhancement due to five prior Notices of Violation (NOV) with same or similar violations as those in the current enforcement action, five dissimilar NOV's and one prior default order.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$369	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$350	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	18.4%	Adjustment	\$368
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs.

Final Penalty Amount	\$2,368
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,368
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$2,368
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Screening Date 8-Jun-2009

Docket No. 2009-0973-PWS-E

PCW

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, d

Policy Revision 2 (September 2002)

Case ID No. 37837

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101281749

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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) 60%

>> 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 due to five prior Notices of Violation (NOV) with same or similar violations as those in the current enforcement action, five dissimilar NOVs and one prior default order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 60%

Screening Date 8-Jun-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasu *Policy Revision 2 (September 2002)*
Case ID No. 37837 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(f)(3) and 290.122(b)(2)(A) and Tex. Health & Safety Code § 341.031(a)

Violation Description The Respondent exceeded the maximum contaminant level ("MCL") for coliform bacteria and failed to provide public notice for the MCL exceedance for June 2008.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes The presence of coliform bacteria is an indication that the water supply is contaminated with significant amounts of total coliform that do not exceed levels that are not protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One monthly event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/Settlement
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 37837
Reg. Ent. Reference No. RN101281749
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]	\$125	19-Jun-2008	30-Jun-2008	1.00	\$6	\$125	\$131
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include additional oversight to properly treat the water to prevent the total coliform exceedance (\$100) and the amount to provide public notice (\$25) of the exceedance, calculated for the month in which the coliform MCL was exceeded, June 2008.

Approx. Cost of Compliance

\$125

TOTAL

\$131

Screening Date 8-Jun-2009 **Docket No.** 2009-0973-PWS-E **PCW**
Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasu *Policy Revision 2 (September 2002)*
Case ID No. 37837 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101281749
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number
Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 37837
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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]	\$150	1-Jul-2008	31-Jul-2008	1.00	\$8	\$150	\$158
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary (\$25 x 5 samples + \$25 x 1 public notice) to collect five routine coliform samples for the month of July 2008; and to provide public notification of the failure to collect five routine samples for the month of July 2008.

Approx. Cost of Compliance

\$150

TOTAL

\$158

Screening Date 8-Jun-2009 Docket No. 2009-0973-PWS-E PCW

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasu Policy Revision 2 (September 2002)

Case ID No. 37837 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101281749

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(A)(ii) and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to collect and submit routine distribution coliform samples for the months of December 2008 through February 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release, Harm (Major, Moderate, Minor), Actual, Potential, Percent. Value: 25%

>> Programmatic Matrix

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

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

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 Number of violation days 89

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

Violation Base Penalty \$750

Three monthly events are recommended, calculated for the months in which samples were not taken.

Good Faith Efforts to Comply 0.0% Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, Before NOV, NOV to EDRP/Settlement Offer. Value: N/A (x)

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$79 Violation Final Penalty Total \$1,421

This violation Final Assessed Penalty (adjusted for limits) \$1,421

Economic Benefit Worksheet

Respondent LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation
Case ID No. 37837
Reg. Ent. Reference No. RN101281749
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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]	\$75	1-Dec-2008	28-Feb-2009	1.00	\$4	\$75	\$79
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary (\$25 x 3 samples) to collect and submit routine coliform samples for the months of December 2008 through February 2009.

Approx. Cost of Compliance \$75

TOTAL \$79

Date: 08/06/2008(705981) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 09/03/2008(743793) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 Description: TCR Increase Monitoring Violation 07/2008 - Failure to collect all 5 distribution samples following a coliform found month.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Increase Monitoring Violation 07/2008 - Failure to post public notice for not collecting all 5 distribution samples following a coliform found month.

Date: 09/03/2008(705983) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

Date: 02/23/2009(723943) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
 Description: Failure to employ a licensed operator. EIC B18 MOD(2)(C)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
 Description: Failure to properly issue a boil water notice. EIC C3 MIN(3)(C)

Date: 03/09/2009(743799) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).

Date: 04/07/2009(743805) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).

Date: 05/06/2009(747679) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).

- 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

Date: 08/06/2008(705981) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 09/03/2008(743793) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 Description: TCR Increase Monitoring Violation 07/2008 - Failure to collect all 5 distribution samples following a coliform found month.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Increase Monitoring Violation 07/2008 - Failure to post public notice for not collecting all 5 distribution samples following a coliform found month.

Date: 09/03/2008(705983) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

Date: 02/23/2009(723943) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
 Description: Failure to employ a licensed operator. EIC B18 MOD(2)(C)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
 Description: Failure to properly issue a boil water notice. EIC C3 MIN(3)(C)

Date: 03/09/2009(743799) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).

Date: 04/07/2009(743805) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).

Date: 05/06/2009(747679) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).

- 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

Date: 08/06/2008(705981) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 09/03/2008(743793) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 Description: TCR Increase Monitoring Violation 07/2008 - Failure to collect all 5 distribution samples following a coliform found month.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Increase Monitoring Violation 07/2008 - Failure to post public notice for not collecting all 5 distribution samples following a coliform found month.

Date: 09/03/2008(705983) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

Date: 02/23/2009(723943) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
 Description: Failure to employ a licensed operator. EIC B18 MOD(2)(C)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
 Description: Failure to properly issue a boil water notice. EIC C3 MIN(3)(C)

Date: 03/09/2009(743799) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).

Date: 04/07/2009(743805) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).

Date: 05/06/2009(747679) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).

- 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

Date: 08/06/2008(705981) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 09/03/2008(743793) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 Description: TCR Increase Monitoring Violation 07/2008 - Failure to collect all 5 distribution samples following a coliform found month.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Increase Monitoring Violation 07/2008 - Failure to post public notice for not collecting all 5 distribution samples following a coliform found month.

Date: 09/03/2008(705983) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

Date: 02/23/2009(723943) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
 Description: Failure to employ a licensed operator. EIC B18 MOD(2)(C)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
 Description: Failure to properly issue a boil water notice. EIC C3 MIN(3)(C)

Date: 03/09/2009(743799) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).

Date: 04/07/2009(743805) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).

Date: 05/06/2009(747679) **CN603467648**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING LEANN BAKER, ALLAN STUART, TERRI STUART, AND LEE WILLIS, DBA PLEASURE POINT WATER SUPPLY CORPORATION; RN101281749	§ § § § § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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DEFAULT ORDER

DOCKET NO. 2009-0973-PWS-E

At its _____ agenda, 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 LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, d/b/a Pleasure Point Water Supply Corporation ("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 on State Highway 147 approximately 3.5 miles from Zavalla in Angelina County, Texas (the "Facility").
2. The Facility provides water for human consumption, has approximately 56 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
3. During a record review conducted on October 8, 2008, a TCEQ Central Office investigator documented that Respondents:
 - a. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on running annual averages. Specifically, the running annual average concentration for TTHM was 0.115 mg/L for the fourth quarter of 2007, 0.154 mg/L for the first quarter of 2008, and 0.271 mg/L for the second quarter of 2008; and
 - b. Failed to comply with the MCL of 0.060 mg/L for haloacetic acid ("HAA5") based on running annual averages. Specifically, the running annual average concentration for HAA5 was 0.075 mg/L for the first quarter of 2008, and 0.118 mg/L for the second quarter of 2008.

4. During a record review conducted on January 12, 2009, a TCEQ Beaumont Regional Office investigator documented that Respondents:
 - a. Failed to provide Well No. 3 with a flow measuring device to measure production yields and provide for the accumulation of water production data. Specifically, Well No. 3 did not have a flow meter;
 - b. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, the sealing block of Well No. 2 was cracked and in need of repair;
 - c. Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the Facility did not have all mains and valves identified for all portions of the distribution system;
 - d. Failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the Facility did not have a monitoring plan;
 - e. Failed to provide ground storage tank overflows with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch. Specifically, the overflow pipe for the 3,200-gallon steel ground storage tank did not have a cover, and the overflow pipe cover on the two 3,000 gallon polyethylene ground storage tanks had gaps greater than 1/16 inch and are susceptible to infiltration;
 - f. Failed to operate the disinfection equipment to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 mg/L of free chlorine. Specifically, a field test conducted on September 26, 2007, at the Baker residence on Lynn Street revealed a free chlorine residual of 0.04 mg/L;
 - g. Failed to maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities. Specifically, the following documents were not available: records of the amount of chemicals used each week, amount of water treated each week, flushing records for the dead-end mains, records of the annual inspection of the ground storage tanks and pressure tanks, and completed customer service agreements for all customers of the Facility;
 - h. Failed to provide sanitary control easements covering all land within 150 feet of the Facility's wells. Specifically, the Facility did not have sanitary control easements for Well Nos. 2 and 3;
 - i. Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility has 56 service connections, which requires 34 gpm. Currently, the Facility provides approximately 13 gpm, which indicates a 62% deficiency;

- j. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility has 56 service connections, which requires 11,200 gallons of total storage capacity. Currently, the Facility has a total storage capacity of 9,200 gallons, which indicates an 18% deficiency;
 - k. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, the Facility has 56 service connections, which requires 112 gpm. Currently, the Facility operates two 30 gpm service pumps producing a total of 60 gpm, which indicates a 46% deficiency; and
 - l. Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility has 56 service connections, which requires a minimum pressure tank capacity of 1,120 gallons. Currently, the Facility operates two 125-gallon pressure tanks which provide 250 gallons of pressure tank capacity, which indicates a 78% deficiency.
5. During a record review conducted on March 1, 2009, a TCEQ Central Office investigator documented that Respondents:
 - a. Exceeded the MCL for coliform bacteria and failed to provide public notice for the MCL exceedance for June 2008;
 - b. Failed to collect at least five routine distribution coliform samples during the month following a total coliform-positive sample result and failed to provide public notice of the failure to conduct bacteriological sampling for the month of July 2008; and
 - c. Failed to collect and submit routine distribution coliform samples for the months of December 2008 through February 2009.
 6. Respondents received notice of the violations in Finding of Fact No. 3 on or about October 15, 2008. Respondents received notice of the violations in Finding of Fact No. 4 on or about March 7, 2009. Respondents received notice of the violations in Finding of Fact No. 5 on or about June 8, 2009.
 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 Robert Baker,¹ LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation" (the "EDPRP") in the TCEQ Chief Clerk's office on February 9, 2010. Service was unsuccessful.
 8. 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 Robert Baker, LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation" (the "EDPRP") in the TCEQ Chief Clerk's office on May 3, 2010. Service was unsuccessful.

¹ Robert Baker has been severed from this enforcement action.

9. 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 Robert Baker, LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation" (the "EDPRP") in the TCEQ Chief Clerk's office on July 29, 2010.
10. By letter dated July 29, 2010, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, and via hand delivery, the Executive Director served each Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRPs sent by certified mail to LeAnn Baker and Lee Willis as "Refused,"² and returned the EDPRPs sent by certified mail to Allan Stuart and Terri Stuart as "Unclaimed." The first class mail has not been returned, indicating that each Respondent received notice of the EDPRP.
11. More than 20 days have elapsed since Respondents received notice of the EDPRP, provided by the Executive Director. Respondents failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, 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. 3.a., Respondents failed to comply with the MCL of 0.080 mg/L for TTHM based on running annual averages, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 3.b., Respondents failed to comply with the MCL of 0.060 mg/L for HAA5 based on running annual averages, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. As evidenced by Finding of Fact No. 4.a., Respondents failed to provide Well No. 3 with a flow measuring device to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).
5. As evidenced by Finding of Fact No. 4.b., Respondents failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
6. As evidenced by Finding of Fact No. 4.c., Respondents failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).

² Pursuant to *Wright v. Wentzel*, "[w]hen a letter is returned as "refused" or "unclaimed," the notice is sufficient if it is apparent that the address was valid and could be located by the postal office." (*Wright v. Wentzel*, 749 S.W.2d 228, 232 (Tex. App.--Houston [1st Dist.] Mar. 31, 1988, no pet.)

7. As evidenced by Finding of Fact No. 4.d., Respondents failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
8. As evidenced by Finding of Fact No. 4.e., Respondents failed to provide ground storage tank overflows with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
9. As evidenced by Finding of Fact No. 4.f., Respondents failed to operate the disinfection equipment to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 mg/L of free chlorine, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4).
10. As evidenced by Finding of Fact No. 4.g., Respondents failed to maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iv), (f)(3)(D)(ii), and (i).
11. As evidenced by Finding of Fact No. 4.h., Respondents failed to provide sanitary control easements covering all land within 150 feet of the Facility's wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
12. As evidenced by Finding of Fact No. 4.i., Respondents failed to provide a minimum well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
13. As evidenced by Finding of Fact No. 4.j., Respondents failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
14. As evidenced by Finding of Fact No. 4.k., Respondents failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
15. As evidenced by Finding of Fact No. 4.l., Respondents failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
16. As evidenced by Finding of Fact No. 5.a., Respondents exceeded the MCL for coliform bacteria and failed to provide public notice for the MCL exceedance for June 2008, in violation of 30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.031(a).
17. As evidenced by Finding of Fact No. 5.b., Respondents failed to collect at least five routine distribution coliform samples during the month following a total coliform-positive sample result and failed to provide public notice of the failure to conduct bacteriological sampling for the month of July 2008, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A).

18. As evidenced by Finding of Fact No. 5.c., Respondents failed to collect and submit routine distribution coliform samples for the months of December 2008 through February 2009, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.033(d).
19. As evidenced by Findings of Fact Nos. 9 and 10, 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(c)(2).
20. As evidenced by Finding of Fact No. 11, 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.
21. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
22. An administrative penalty in the amount of seven thousand three hundred eighty-nine dollars (\$7,389.00) 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.
23. 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 seven thousand three hundred eighty-nine dollars (\$7,389.00) 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: LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, d/b/a Pleasure Point Water Supply Corporation; Docket No. 2009-0073-PWS-E to:

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

3. Respondents shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, Respondents shall operate the disinfection equipment to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 mg/L of free chlorine, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110 (Conclusion of Law No. 9).
 - b. Within 10 days after the effective date of this Order, Respondents shall begin complying with applicable coliform monitoring requirements by collecting routine distribution coliform samples, and shall provide water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109 (Conclusions of Law Nos. 16, 17, and 18). This requirement will be satisfied upon six consecutive months of compliant monitoring and reporting.
 - c. Within 30 days after the effective date of this Order, Respondents shall submit written certification as described in Ordering Provision No. 3.j. below, and include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.a.
 - d. Within 60 days after the effective date of this Order, Respondents shall:
 - i. Provide an operational flow measuring device on Well No. 3 to facilitate daily reading to measure production yields and provide for the accumulation of water production data, in accordance with 30 TEX. ADMIN. CODE § 290.41 (Conclusion of Law No. 4);
 - ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but not limited to repairing the cracked sealing block of Well No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 5);
 - iii. Provide a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch on the overflows of the 3,200 gallon steel ground storage tank and the two 3,000 gallon polyethylene ground storage tanks, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Conclusion of Law No. 8);
 - iv. Compile and began maintaining an accurate and up-to-date record of water works operation and maintenance activities, including but not limited to: records of the amount of chemicals used each week, amount of water treated each week, flushing records for the dead-end mains, records of the annual inspection of the ground storage and pressure tanks, completed customer service agreements for all customers of the Facility, and an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 10);

- v. Provide an accurate and up-to-date map of the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 6); and
- vi. Compile and begin maintaining an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121 (Conclusion of Law No. 7).
- e. Within 90 days after the effective date of this Order, Respondents shall:
 - i. Submit written certification as described in Ordering Provision No. 3.j. below, and include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.d.; and
 - ii. Secure from adjacent landowners a sanitary control easement covering all property within 150 feet of Well Nos. 2 and 3, and record the deeds at the county courthouse, as required by 30 TEX. ADMIN. CODE § 290.41, or obtain an exception in accordance with 30 TEX. ADMIN. CODE § 290.39 (Conclusion of Law No. 11).
- f. Within 120 days after the effective date of this Order, Respondents shall submit written certification as described in Ordering Provision No. 3.j. below, and include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.e.ii.
- g. Within 195 days after the effective date of this Order, Respondents shall submit written certification as described in Ordering Provision No. 3.j. below, and include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.b.
- h. Within 365 days after the effective date of this Order, Respondents shall:
 - i. Return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113 (Conclusion of Law No. 2);
 - ii. Return to compliance with the running annual average MCL for HAA5, in accordance with 30 TEX. ADMIN. CODE § 290.113 (Conclusion of Law No. 3);
 - iii. Provide a minimum well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 12);
 - iv. Provide a total storage capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 13);

- v. Provide two or more service pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 14); and
- vi. Provide a pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 15).
- i. Within 380 days after the effective date of this Order, Respondents shall submit written certification as described in Ordering Provision No. 3.j. below, and include detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 3.h.
- j. The certifications required by these Ordering Provisions 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
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and:

Ronald Hebert, Water Section Manager
Texas Commission on Environmental Quality
Beaumont Regional Office
3870 Eastex Freeway
Beaumont, Texas 77703-1892

- 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 receives 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

For the Commission

AFFIDAVIT OF XAVIER GUERRA

STATE OF TEXAS

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§
§

COUNTY OF BEXAR

"My name is Xavier Guerra. 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 Robert Baker, LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, d/b/a Pleasure Point Water Supply Corporation" (the "EDPRP") was filed with the Office of the Chief Clerk on July 29, 2010.

The EDPRP was mailed to each Respondent at their last known addresses on July 29, 2010, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRPs sent by certified mail to LeAnn Baker and Lee Willis as "Refused," and returned the EDPRPs sent by certified mail to Allan Stuart and Terri Stuart as "Unclaimed." The first class mail sent to LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis have not been returned, indicating that Respondents received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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



Xavier Guerra, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 28th day of February, A.D., 2011.



Notary Signature