

Evelyn Patricia Walker DBA Walker Waterfront

RN101277770

Docket No. 2010-0901-PWS-E

Order Type:

Default Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

320 Tripple Creek Loop, Livingston, Polk County

Type of Operation:

Public Water System

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$2,610.16 (2007-1241-PWS-E)
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: June 24, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$3,960

Amount Deferred for Expedited Settlement: N/A

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$3,960

Compliance History Classifications:

Person/CN – N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: \$34

Applicable Penalty Policy: September 2002

Evelyn Patricia Walker DBA Walker Waterfront

RN101277770

Docket No. 2010-0901-PWS-E

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: May 6, 2010 and June 1, 2010

Date(s) of NOV(s): November 17, 2005; October 2, 2009; October 7, 2009; May 3, 2010

Date(s) of NOE(s): May 24, 2010 and June 8, 2010

Violation Information

1. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(1), and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.a.ii.].
2. Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.c.ii.].
3. Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation (“ANSI/NSF”) standards [30 TEX. ADMIN. CODE § 290.42(j) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.a.iii.].
4. Failed to compile and maintain a facility operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(1) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.c.iv.].
5. Failed to conduct an annual inspection of the water system’s pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.b.iii.].
6. Failed to provide a well capacity requirement of at least 1.0 gallons per minute (“gpm”) per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(E)(i), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.d.ii.].
7. Failed to provide a minimum pressure tank capacity of 50 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.d.iii.].
8. Failed to provide disinfectant residual monitoring records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(iii) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.a.v.].
9. Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface [30 TEX. ADMIN. CODE § 290.41(c)(3)(B)].
10. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for a routine distribution coliform sample, and failed to provide public notices of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform positive sample [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)].
11. Failed to comply with the Maximum Contaminant Level (“MCL”) for total coliform during the month of September 2009, and failed to provide public notice of the exceedence for September 2009 [30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.031(a)].
12. Failed to collect at least five distribution coliform samples the month following a total coliform positive result [30 TEX. ADMIN. CODE § 290.109(c)(2)(F)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 10 days, begin complying with applicable coliform monitoring requirements by collecting all routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied after six consecutive months of compliant sampling (Violations 11 and 12).
2. Within 30 days:
 - a. Begin flushing dead-end mains at monthly intervals (Violation No. 1);
 - b. Begin using treatment chemicals or media that conform to ANSI/NSF standards (Violation No. 3);
 - c. Conduct annual inspections of the pressure tank (Violation No. 5);
 - d. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to disinfectant residual monitoring results from the distribution system (Violation No. 8); and
 - e. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to customers of the Facility (Violation No. 10).
3. Within 60 days:
 - a. Obtain a sanitary control easement or an exception to the easement requirement that covers the land within 150 feet of the well (Violation No. 2); and
 - b. Compile and begin maintaining an up-to-date and thorough plant operations manual (Violation No. 4).
4. Within 180 days:
 - a. Provide a well capacity of 1.0 gpm per connection (Violation No. 6);
 - b. Provide a pressure tank capacity of 50 gallons per connection (Violation No. 7); and
 - c. Increase the height of the well casing on Well No. 1 such that it is a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface (Violation No. 9).
5. Submit written certification to demonstrate compliance:
 - a. Technical Requirement No. 2 within 45 days;
 - b. Technical Requirement No. 3 within 75 days; and
 - c. Technical Requirement Nos. 1 and 4 within 195 days.

Litigation Information

Date Petition(s) Filed: August 12, 2010; April 1, 2011
Date(s) Green Card(s) Signed: August 14, 2010; April 4, 2011
Date(s) Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A

Executive Summary – Enforcement Matter – Case No. 34348
Evelyn Patricia Walker DBA Walker Waterfront
RN101277770
Docket No. 2010-0901-PWS-E

Page 4 of 4

Contact Information

TCEQ Attorneys: Tammy L. Mitchell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400

TCEQ Enforcement Coordinator: Epifanio Villarreal, Water Enforcement Section, (361) 825-3425

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

Respondent: Evelyn Patricia Walker, 907 Tripple Creek Loop, Livingston, Texas 77351

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	1-Jun-2010			
	PCW	1-Jun-2010	Screening	1-Jun-2010	EPA Due 31-Aug-2010

RESPONDENT/FACILITY INFORMATION					
Respondent	Evelyn Patricia Walker dba Walker Waterfront				
Reg. Ent. Ref. No.	RN101277770				
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	34348	No. of Violations	12		
Docket No.	2010-0901-PWS-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Epifanio Villarreal		
		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	\$2,460
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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	45.0% Enhancement	Subtotals 2, 3, & 7	\$1,107
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Notes: The penalty enhancement is due to four prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action and one prior default enforcement order without a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does 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 \$989
 Approx. Cost of Compliance \$6,295
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,567
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OTHER FACTORS AS JUSTICE MAY REQUIRE	10.1%	Adjustment	\$359
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance associated to violation nos. 5, 10, 11, and 12.

Final Penalty Amount	\$3,926
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,960
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$3,960
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Screening Date 1-Jun-2010

Docket No. 2010-0901-PWS-E

PCW

Respondent Evelyn Patricia Walker dba Walker Waterfront

Policy Revision 2 (September 2002)

Case ID No. 34348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101277770

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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	0	0%
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 The penalty enhancement is due to four prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action and one prior default enforcement order without a denial of liability.

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

Screening Date	1-Jun-2010	Docket No.	2010-0901-PWS-E	PCW
Respondent	Evelyn Patricia Walker dba Walker Waterfront			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34348			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101277770			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(l), and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.a.ii			
Violation Description	Failed to flush all dead-end mains at monthly intervals.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes
 Failing to flush dead-end mains at monthly intervals could expose customers of the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events: 3 237 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$300

Three quarterly events are recommended from the effective date of TCEQ Default Order Docket No. 2007 1241-PWS-E, October 7, 2009, to the date of screening, June 1, 2010.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement
Extraordinary		
Ordinary		
N/A	x	mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal	\$300	

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

Estimated EB Amount \$33 **Violation Final Penalty Total** \$479

This violation Final Assessed Penalty (adjusted for limits) \$479

Economic Benefit Worksheet

Respondent Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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	\$500	7-Oct-2009	1-Feb-2011	1.32	\$33	n/a	\$33
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to initiate a flushing program, calculated from the effective date of TCEQ Default Order Docket No. 2007-1241-PWS-E, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$33

Screening Date	1-Jun-2010	Docket No.	2010-0901-PWS-E	PCW
Respondent	Evelyn Patricia Walker dba Walker Waterfront			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34348			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101277770			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)(F), and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.c.ii			
Violation Description	Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the well.			
	Base Penalty	\$1,000		

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%
Matrix Notes	Without a sanitary control easement, contaminants could enter the well and customers of the water supply could be exposed to insignificant amounts of contaminants that do not exceed levels protective of human health.				

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 237 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	mon hly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

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 \$50

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

Estimated EB Amount \$2 **Violation Final Penalty Total** \$80

This violation Final Assessed Penalty (adjusted for limits) \$80

Economic Benefit Worksheet

Respondent Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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)	\$20	7-Oct-2009	1-Mar-2011	1.40	\$0	\$2	\$2
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 estimated amount to obtain a sanitary control easement or an approved exception to the easement requirement (\$20 to file an easement per well), calculated from the effective date of TCEQ Default Order Docket No. 2007-1241-PWS-E, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$20

TOTAL \$2

Screening Date 1-Jun-2010 **Docket No.** 2010-0901-PWS-E **PCW**
Respondent Evelyn Patricia Walker dba Walker Waterfront *Policy Revision 2 (September 2002)*
Case ID No. 34348 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101277770
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.42(j), and TCEQ Default Order Docket No. 2007-1241-PWS-E Ordering Provision No. 2.a.iii
Violation Description
 Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards. Specifically, no proof of certification was provided for the bleach that was being used to disinfect the drinking water.

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
 By not using disinfectant chemicals or media that conform to ANSI/NSF standards, the customers of the Facility could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 3 237 Number of violation days

mark only one with an x

daily	
weekly	
mon hly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$300

Three quarterly events are recommended from the effective date of TCEQ Default Order Docket No. 2007-1241-PWS-E, October 7, 2009, to the date of screening, June 1, 2010.

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 \$300

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

Estimated EB Amount \$11 **Violation Final Penalty Total** \$479

This violation Final Assessed Penalty (adjusted for limits) \$479

Economic Benefit Worksheet

Respondent Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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)	\$124	7-Oct-2009	1-Feb-2011	1.32	\$1	\$11	\$11
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 estimated amount to obtain ANSI/NSF certification for the disinfectant being used, calculated from the effective date of TCEQ Default Order Docket No. 2007-1241-PWS-E, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance

\$124

TOTAL

\$11

Screening Date 1-Jun-2010 **Docket No.** 2010-0901-PWS-E **PCW**
Respondent Evelyn Patricia Walker dba Walker Waterfront *Policy Revision 2 (September 2002)*
Case ID No. 34348 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101277770
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.42(l), and TCEQ Default Order Docket No. 2007-1241-PWS-E Ordering Provision No. 2.c.iv
Violation Description Failed to compile and maintain a facility operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirement was not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 237 Number of violation days

mark only one with an x

daily	
weekly	
mon hly	
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 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 \$100

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

Estimated EB Amount \$7

Violation Final Penalty Total \$160

This violation Final Assessed Penalty (adjusted for limits) \$160

Economic Benefit Worksheet

Respondent Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	7-Oct-2009	1-Mar-2011	1.40	\$7	n/a	\$7
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount required to compile and maintain a facility operations manual, calculated from the effective date of TCEQ Default Order Docket No. 2007-1241-PWS-E, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$7

Screening Date	1-Jun-2010	Docket No.	2010-0901-PWS-E	PCW
Respondent	Evelyn Patricia Walker dba Walker Waterfront			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34348			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101277770			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(B), and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No.2 b.iii			
Violation Description	Failed to conduct an annual inspection of the water system's pressure tank.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination that would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events: 1 237 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$250

One annual event is recommended from the effective date of TCEQ Agreed Order Docket No. 2007-1241-PWS-E, October 7, 2009, to the date of screening, June 1, 2010.

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 \$250

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

Estimated EB Amount \$44

Violation Final Penalty Total \$399

This violation Final Assessed Penalty (adjusted for limits) \$399

Economic Benefit Worksheet

Respondent Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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]	\$41	7-Oct-2009	1-Jun-2010	1.57	\$3	\$41	\$44
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct the annual pressure tank inspection, calculated from the effective date of TCEQ Default Order Docket No. 2007-1241-PWS-E to the date of screening.

Approx. Cost of Compliance \$41

TOTAL \$44

Screening Date	1-Jun-2010	Docket No.	2010-0901-PWS-E	PCW
Respondent	Evelyn Patricia Walker dba Walker Waterfront			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34348			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101277770			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(E)(i), Tex. Health & Safety Code § 341.0315(c) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2 d.ii			
Violation Description	Failed to provide a well capacity requirement of at least 1.0 gallons per minute ("gpm") per connection. Specifically, the well produces 18 gpm. However, the Facility requires 29 gpm for the 29 connections, which is a 38% deficiency.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
					Percent 0%
	Failure to provide adequate well capacity may result in water shortages or outages which could expose customers to a significant amount of contaminants that would not exceed levels protective of human health.				

Adjustment \$900

\$100

Violation Events

Number of Violation Events 3 237 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	mon hly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$300

Three quarterly events are recommended from the effective date of TCEQ Default Order Docket No. 2007-1241-PWS-E, October 7, 2009, to the date of screening, June 1, 2010.

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 \$300

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

Estimated EB Amount \$242 **Violation Final Penalty Total** \$479

This violation Final Assessed Penalty (adjusted for limits) \$479

Economic Benefit Worksheet

Respondent Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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	\$2,000	7-Oct-2009	1-Jul-2011	1.73	\$12	\$231	\$242
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs includes the estimated amount to meet the minimum well capacity requirement of 1.0 gpm per connection, calculated from the effective date of TCEQ Default Order Docket No. 2007-1241-PWS-E, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$2,000	TOTAL	\$242
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Screening Date 1-Jun-2010 **Docket No.** 2010-0901-PWS-E **PCW**
Respondent Evelyn Patricia Walker dba Walker Waterfront *Policy Revision 2 (September 2002)*
Case ID No. 34348 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101277770
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii), Tex. Health & Safety Code § 341.0315(c), TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.d.iii
Violation Description
 Failed to provide a minimum pressure tank capacity of 50 gallons per connection. Specifically, the Facility provides a pressure tank capacity of 1,300 gallons when the system is required to provide a pressure tank capacity of 1,450 gallons for the 29 connections, which is a 10% deficiency.

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
Failing to provide adequate pressure tank capacity may cause low pressure problems or outages and could expose customers to an insignificant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

	1	237	Number of violation days
<i>mark only one with an x</i>	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

Violation Base Penalty \$50

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 \$50

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

Estimated EB Amount \$242 **Violation Final Penalty Total** \$80

This violation Final Assessed Penalty (adjusted for limits) \$80

Economic Benefit Worksheet

Respondent Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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	\$2,000	7-Oct-2009	1-Jul-2011	1.73	\$12	\$231	\$242
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 estimated amount to provide adequate pressure tank capacity, calculated from the effective date of TCEQ Default Order Docket No. 2007-1241-PWS-E, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$242

Screening Date 1-Jun-2010 **Docket No.** 2010-0901-PWS-E **PCW**
Respondent Evelyn Patricia Walker dba Walker Waterfront *Policy Revision 2 (September 2002)*
Case ID No. 34348 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101277770
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(B)(iii), and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.a v
Violation Description Failed to provide disinfectant residual monitoring records to Commission personnel at the time of the investigation.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	
At least 70% of the rule requirement was met.					
Adjustment					\$990

Violation Events \$10

	1	237	Number of violation days
<i>mark only one with an x</i>	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
Violation Base Penalty \$10			
One single event is recommended.			

Good Faith Efforts to Comply \$0

	0.0%	Reduction	
	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 \$10			

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

Estimated EB Amount \$7 **Violation Final Penalty Total** \$16
This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	7-Oct-2009	1-Feb-2011	1.32	\$7	n/a	\$7
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount to develop a system to maintain disinfectant residual monitoring records, calculated from the effective date of TCEQ Default Order Docket No. 2007-1241-PWS-E, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$100	TOTAL	\$7
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Screening Date	1-Jun-2010	Docket No.	2010-0901-PWS-E	PCW
Respondent	Evelyn Patricia Walker dba Walker Waterfront			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34348			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101277770			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(B)			
Violation Description	Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface. Specifically, at the time of the investigation, it was documented that the well casing at Well No. 1 was measured at nine inches above the pump room floor.			
	Base Penalty	\$1,000		

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%
Matrix Notes	Failure to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface, may allow the well to be exposed to water runoff and other significant amounts of contaminants which would not exceed levels that are protective of human health.				
	Adjustment				\$900

\$100

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended from the date of the investigation, May 6, 2010, to the date of screening, June 1, 2010.

Good Faith Efforts to Comply Reduction

		Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<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 Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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	\$1,000	6-May-2010	1-Jul-2011	1.15	\$4	\$77	\$81
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 estimated amount to extend the well casing a minimum of 18 inches above the ground surface, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$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

\$1,000

TOTAL

\$81

Screening Date 1-Jun-2010 **Docket No.** 2010-0901-PWS-E **PCW**
Respondent Evelyn Patricia Walker dba Walker Waterfront *Policy Revision 2 (September 2002)*
Case ID No. 34348 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101277770
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 10
Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)
Violation Description Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for a routine distribution coliform sample collected during the months of August and September 2009 and failed to provide public notices of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform positive sample for August and September 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to collect coliform monitoring samples could expose consumers to a significant amount of undetected contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
mon hly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$500

Two monthly events are recommended for the months in which no repeat samples were collected.

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 \$500

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

Estimated EB Amount \$109

Violation Final Penalty Total \$798

This violation Final Assessed Penalty (adjusted for limits) \$798

Economic Benefit Worksheet

Respondent Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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)				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)	\$100	1-Jun-2010	1-Feb-2011	0.67	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop a protocol to ensure all necessary public notifications are provided in a timely manner. The date required is the record review date. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$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	2-Oct-2009	3-Oct-2009	0.00	\$0	\$100	\$100
Other (as needed)	\$5	1-Dec-2009	1-Jan-2010	1.00	\$0	\$5	\$5

Notes for AVOIDED costs

The avoided costs include the estimated amount to collect a total of four repeat samples (\$25 per sample per month) and provide public notice for the failure to collect the samples (\$5 per notice), calculated for the months in which no samples were collected and during the period that a public notice was required.

Approx. Cost of Compliance

\$205

TOTAL

\$109

Screening Date 1-Jun-2010 **Docket No.** 2010-0901-PWS-E **PCW**
Respondent Evelyn Patricia Walker dba Walker Waterfront *Policy Revision 2 (September 2002)*
Case ID No. 34348 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101277770
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

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 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

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"/>
mon hly	<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

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 Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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				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	29-Sep-2009	30-Sep-2009	0.00	\$0	\$100	\$100
Other (as needed)	\$5	3-Oct-2009	2-Nov-2009	1.00	\$0	\$5	\$5

Notes for AVOIDED costs

The avoided costs include the estimated amount for additional oversight to properly treat the water to prevent the presence of coliform and to provide public notice, calculated the in which the exceedance occurred and during the period a public notice was required.

Approx. Cost of Compliance

\$105

TOTAL

\$105

Screening Date 1-Jun-2010 **Docket No.** 2010-0901-PWS-E **PCW**
Respondent Evelyn Patricia Walker dba Walker Waterfront *Policy Revision 2 (September 2002)*
Case ID No. 34348 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101277770
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

V12
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
<input type="text" value="Failure to collect water samples for coliform analysis may expose the public to a significant amount of undetected 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"/>
mon hly	<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 EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input 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 Evelyn Patricia Walker dba Walker Waterfront
Case ID No. 34348
Reg. Ent. Reference No. RN101277770
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				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	1-Mar-2010	31-Mar-2010	1.00	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include he estimated amount to collect he appropriate number of water samples (4 total) the month following a total-coliform positive sample result (\$25 per sample). The Respondent failed to collect 4 additional samples for March 2010.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Compliance History

Customer/Respondent/Owner-Operator:	CN603192493 Evelyn Patricia Walker	Classification:	Rating:
Regulated Entity:	RN101277770 WALKER WATERFRONT	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1870084
Location:	320 TRIPPLE CREEK LOOP, LIVINGSTON, POLK COUNTY, TX		
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	March 25, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 05, 2005 to July 05, 2010		

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

Name: Epi Villarreal Phone: (361) 825-3425

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? EVELYN PATRICIA WALKER
4. If Yes, who was/were the prior owner(s)/operator(s)? NOLAN ATCHLEY ESTATES
5. When did the change(s) in owner or operator occur? 05/25/2005

Components (Multimedia) for the Site :

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

Effective Date: 10/07/2009

ADMINORDER 2007-1241-PWS-E

Classification: Minor

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

Description: Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions.

Classification: Moderate

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

5A THC Chapter 341, SubChapter A 341.033(a)

Description: Failed to employ a water works operator that holds a Class D or higher license.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failed to provide a sanitary control easement or approved exception to the easement requirement that covers the land within 150 feet of the well.

Classification: Moderate

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

Description: Failed to flush all dead-end mains at monthly intervals.

Classification: Moderate

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

Description: Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies.

Classification: Minor

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

Description: Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards/National Sanitation Foundation ("ANSI/NSF") standards.

Classification: Moderate

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

Description: Failed to compile and maintain a facility operations manual for operator review and reference.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failed to maintain an 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.

Classification: Minor

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

Description: Failed to conduct an annual inspection of the water system's pressure tank.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to meet the minimum well capacity requirement of 1.0 gallons per minute ("gpm") per connection.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a minimum pressure tank capacity of 50 gallons per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(2)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to provide disinfectant residual monitoring records to Commission personnel at the time of the investigation.

Classification: Moderate

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

Description: Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition.

Classification: Minor

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

Description: Failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment at the facility.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	11/17/2005	(432311)
2	07/13/2007	(565870)
3	05/24/2010	(802368)
4	06/07/2010	(826037)
5	06/08/2010	(826112)
6	06/08/2010	(826145)
7	06/25/2010	(826207)

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

Date:	11/17/2005	(432311)	CN603192493
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(d)(3)(C)(ii)		
Description:	Failure to provide a DPD chlorine test kit.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A) 5A THC Chapter 341, SubChapter A 341.033(a)		
Description:	Failed to employ a water works operator that holds a Class D or higher license.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Failed to provide a sanitary control easement or approved exception to the easement requirement that covers the land within 150 feet of the well.		
Self Report?	NO		Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
 Description: Failed to flush all dead-end mains at monthly intervals.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
 Description: Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
 Description: Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards/National Sanitation Foundation ("ANSI/NSF") standards.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 Description: Failed to compile and maintain a facility operations manual for operator review and reference.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 30 TAC Chapter 290, SubChapter F 290.121(b)
 Description: Failed to maintain an 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.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 Description: Failed to conduct an annual inspection of the water system's pressure tank.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Failed to meet the minimum well capacity requirement of 1.0 gallons per minute ("gpm") per connection.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Failed to provide a minimum pressure tank capacity of 50 gallons per connection.
Date: 10/02/2009 (826037) CN603192493

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
 Description: TCR Repeat Monitoring Violation 08/2009 - Failure to collect any repeats following a coliform found result.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: TCR PN Repeat Monitoring Violation 08/2009 - Failure to post a public notice for not collecting any repeats following a coliform found result.

Date: 10/07/2009 (826112) CN603192493

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
 5A THSC Chapter 341, SubChapter A 341.031(a)
 Description: TCR MCL Violation 09/2009 - System exceeded a Maximum Contaminant Level (MCL) Violation.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 Description: TCR PN MCL Violation 09/2009 - Failure to post a public notice for exceeding a Maximum Contaminant Level (MCL) Violation.

Date: 05/03/2010 (826145) CN603192493

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 Description: TCR Increase Monitoring Violation 03/2010 - Failure to collect all 5 distribution samples following a coliform found month.

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
EVELYN PATRICIA WALKER
DBA WALKER WATERFRONT;
RN101277770**

**§
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§
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§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2010-0901-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended 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 respondent. The respondent made the subject of this Order is Evelyn Patricia Walker DBA Walker Waterfront ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 320 Tripple Creek Loop in Livingston, Polk County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 29 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During an investigation conducted on May 6, 2010 and June 1, 2010, a TCEQ Beaumont Regional Office investigator documented that Respondent:
 - a. Failed to flush all dead-end mains at monthly intervals;
 - b. Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the well;
 - c. Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards. Specifically, no proof of certification was provided for the bleach that was being used to disinfect the drinking water;
 - d. Failed to compile and maintain a facility operations manual for operator review and reference;
 - e. Failed to conduct an annual inspection of the water system's pressure tank;

- f. Failed to provide a well capacity requirement of at least 1.0 gallons per minute ("gpm") per connection. Specifically, the Facility requires 29 gpm for the 29 connections, but the well produces 18 gpm, which is a 38% deficiency;
 - g. Failed to provide a minimum pressure tank capacity of 50 gallons per connection. Specifically, the Facility is required to provide a pressure tank capacity of 1,450 gallons for the 29 connections, but the pressure tank capacity is 1,300 gallons, which is a 10% deficiency;
 - h. Failed to provide disinfectant residual monitoring records to Commission personnel at the time of the investigation; and
 - i. Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface. Specifically, the well casing at Well No. 1 was measured to be nine inches above the pump room floor.
3. During an investigation conducted on May 6, 2010 and June 1, 2010, a TCEQ Central Office investigator documented that Respondent:
 - a. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for routine distribution coliform samples collected during the months of August and September 2009, and failed to provide public notice of the failures to collect repeat distribution samples within 24 hours of being notified of total coliform positive samples for August and September 2009;
 - b. Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform during the month of September 2009, and failed to provide public notice of the exceedence for September 2009; and
 - c. Failed to collect at least five distribution coliform samples the month following a total coliform positive result for the month of March 2010.
4. Respondent received notice of the violations alleged in Findings of Fact Nos. 2.a. through 2.i. on or about May 29, 2010. Respondent received notice of the violations alleged in Findings of Fact No. 3.a. through 3.c. on or about May 29, 2010 and June 13, 2010.
5. 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 Pat Walker DBA Walker Waterfront" (the "EDPRP") in the TCEQ Chief Clerk's office on August 12, 2010.
6. By letter dated August 12, 2010, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on August 14, 2010, as evidenced by the signature on the card.

7. The Executive Director filed the "Executive Director's First Amended 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 Evelyn Patricia Walker DBA Walker Waterfront" (the "EDFARP") in the TCEQ Chief Clerk's office on April 1, 2011.
8. By letter dated April 1, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. According to the return receipt "green card," Respondent received notice of the EDFARP on April 4, 2011, as evidenced by the signature on the card.
9. More than 20 days have elapsed since Respondent received notice of the EDPRP and the EDFARP, provided by the Executive Director. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.a.ii.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.c.ii.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to use an approved chemical or media for the disinfection of potable water that conforms to the ANSI/NSF standards, in violation of 30 TEX. ADMIN. CODE § 290.42(j) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.a.iii.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to compile and maintain a facility operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.c.iv.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to conduct an annual inspection of the water system's pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B) and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.b.iii.
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide a well capacity requirement of at least 1.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(E)(i); TEX. HEALTH & SAFETY CODE § 341.0315(c); and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.d.ii.

8. As evidenced by Finding of Fact No. 2.g., Respondent failed to provide a minimum pressure tank capacity of 50 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii); TEX. HEALTH & SAFETY CODE § 341.0315(c); and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.d.iii.
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to provide disinfectant residual monitoring records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(iii), and TCEQ Default Order Docket No. 2007-1241-PWS-E, Ordering Provision No. 2.a.v.
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B).
11. As evidenced by Finding of Fact No. 3.a., Respondent failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for routine distribution coliform samples collected during the months of August and September 2009, and failed to provide public notice of the failures to collect repeat distribution samples within 24 hours of being notified of total coliform positive samples for August and September 2009, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A).
12. As evidenced by Finding of Fact No. 3.b., Respondent failed to comply with the MCL for total coliform during the month of September 2009, and failed to provide public notice of the exceedence for September 2009, 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).
13. As evidenced by Finding of Fact No. 3.c., Respondent failed to collect at least five distribution coliform samples the month following a total coliform positive result for the month of March 2010, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(F).
14. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).
15. As evidenced by Findings of Fact Nos. 7 and 8, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).
16. As evidenced by Finding of Fact No. 9, Respondent 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 Respondent and assess the penalty recommended by the Executive Director.
17. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

18. An administrative penalty in the amount of three thousand nine hundred sixty dollars (\$3,960.00) 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.
19. 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. Respondent is assessed an administrative penalty in the amount of three thousand nine hundred sixty dollars (\$3,960.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's 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: Evelyn Patricia Walker DBA Walker Waterfront; Docket No. 2010-0901-PWS-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Order, Respondent shall begin complying with applicable coliform monitoring requirements by collecting all routine and repeat coliform distribution samples and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting (Conclusions of Law Nos. 11, 12, and 13);
 - b. Within 30 days after the effective date of this Order, Respondent shall:
 - i. Begin flushing dead-end mains at monthly intervals, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 2);
 - ii. Begin using treatment chemicals or media that conform to ANSI/NSF standards, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 4);

- iii. Conduct annual inspections of the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 6);
 - iv. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to disinfectant residual monitoring results from the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 9); and
 - v. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusions of Law Nos. 11 and 12);
- c. Within 45 days after the effective date of this Order, Respondent shall submit written certification as described below in Ordering Provision No. 3.h., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.b.
- d. Within 60 days after the effective date of this Order, Respondent shall:
- i. Obtain a sanitary control easement or an exception to the easement requirement that covers the land within 150 feet of the well, in accordance with 30 TEX. ADMIN. CODE § 290.41 (Conclusion of Law No. 3); and
 - ii. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 5).
- e. Within 75 days after the effective date of this Order, Respondent shall submit written certification as described below in Ordering Provision No. 3.h., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.d.
- f. Within 180 days after the effective date of this Order, Respondent shall:
- i. Provide a well capacity of 1.0 gpm per connection at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 7);
 - ii. Provide a pressure tank capacity of 50 gallons per connection at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 8); and
 - iii. Increase the height of the well casing on Well No. 1 such that it is a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface, in accordance with 30 TEX. ADMIN. CODE § 290.41 (Conclusion of Law No. 10).

- g. Within 195 days after the effective date of this Order, Respondent shall submit written certification as described below in Ordering Provision No. 3.h., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.f.
- h. The certifications required by these Ordering Provisions shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Respondent shall submit the written certifications 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

with a copy to:

Ronald Hebert, Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
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 Respondent. Respondent is 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent 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 Respondent if the Executive Director determines that Respondent has 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 Tammy L. Mitchell

STATE OF TEXAS

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COUNTY OF TRAVIS

"My name is Tammy L. Mitchell. 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 Evelyn Patricia Walker DBA Walker Waterfront' (the 'EDPRP') was filed in the TCEQ Chief Clerk's office on August 12, 2010.

The EDPRP was mailed to Respondent's last known address on August 12, 2010, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt 'green card,' Respondent received notice of the EDPRP on August 14, 2010, as evidenced by the signature on the card.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's First Amended 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 Evelyn Patricia Walker DBA Walker Waterfront' (the 'EDFARP') was filed in the TCEQ Chief Clerk's office on April 1, 2011.

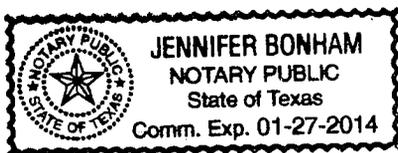
The EDFARP was mailed to Respondent's last known address on April 1, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt 'green card,' Respondent received notice of the EDFARP on April 4, 2011, as evidenced by the signature on the card.

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

Tammy L. Mitchell, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 21st day of May, A.D. 2011.



Jennifer Bonham
Notary Signature