

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AGENDA ITEM REQUEST**

Peipey Tang

**2011-0976-UCR-E** Consideration of whether to affirm, modify, or set aside the **Emergency Order** issued on December 12, 2011 by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point Homeowners Association, Inc. in Angelina County; TCEQ ID No. RN101281749; RN101217982; CCN11734 to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order renewed the appointment of Kelley Holcomb as temporary manager of the Utility. (Peipey Tang)



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Kathleen C. Decker, Director  
Litigation Division

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 6, 2012

**Via Certified Mail Return Receipt Requested**  
**Article No. 7011 0470 0000 2421 2984**

Leann Baker  
761 Norris St.  
Zavalla, Texas 75980

Re: Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point  
Homeowners Association, Inc.;  
Docket No. 2011-0976-UCR-E

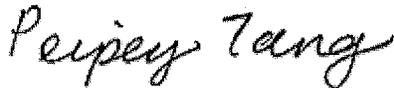
Dear Ms. Baker:

On December 12, 2011, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The parties made the subject of this order are Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point Homeowners Association, Inc. The Emergency Order renews the appointment of Kelley Holcomb as temporary manager of the public water system located off State Highway 147, on Allen Street, about 3.5 miles from Zavalla, Angelina County, Texas.

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on December 12, 2011. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **January 25, 2012**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas**. The enclosed documentation is provided to you as a record of the materials which have been submitted to the Chief Clerk's Office and will be used in the Commission's Agenda process.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you may request at the time of the Agenda an evidentiary hearing on issuance of the Emergency Order.** An Administrative Law Judge will be available to conduct a hearing at Agenda on January 25, 2012, should you so request. Should you have any questions, please contact the TCEQ Litigation Division at (512) 239-0654.

Sincerely,



Peipey Tang  
Attorney  
Litigation Division

Enclosures

cc: Mr. Ronald Hebert, Water Section Manager, Beaumont Regional Office  
Ms. Regina Duncan, Beaumont Regional Office  
Mr. Terence Webb, Receivership Coordinator  
Mr. Blas Coy, Office of Public Interest Counsel  
Mr. Kelly Holcomb, P.O. Box 387, Lufkin, Texas 75902

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 6, 2012

**Via Certified Mail Return Receipt Requested**  
**Article No. 7011 0470 0000 2421 2991**

Allan Stuart  
201 Garrison St.  
Zavalla, Texas 75980

Re: Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point  
Homeowners Association, Inc.;  
Docket No. 2011-0976-UCR-E

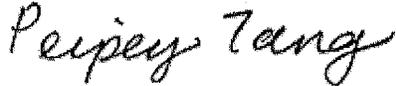
Dear Mr. Stuart:

On December 12, 2011, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The parties made the subject of this order are Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point Homeowners Association, Inc. The Emergency Order renews the appointment of Kelley Holcomb as temporary manager of the public water system located off State Highway 147, on Allen Street, about 3.5 miles from Zavalla, Angelina County, Texas.

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on December 12, 2011. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **January 25, 2012**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas**. The enclosed documentation is provided to you as a record of the materials which have been submitted to the Chief Clerk's Office and will be used in the Commission's Agenda process.

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Sincerely,



Peipey Tang  
Attorney  
Litigation Division

Enclosures

cc: Mr. Ronald Hebert, Water Section Manager, Beaumont Regional Office  
Ms. Regina Duncan, Beaumont Regional Office  
Mr. Terence Webb, Receivership Coordinator  
Mr. Blas Coy, Office of Public Interest Counsel  
Mr. Kelly Holcomb, P.O. Box 387, Lufkin, Texas 75902

Bryan W. Shaw, Ph.D., *Chairman*  
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Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 6, 2012

**Via Certified Mail Return Receipt Requested**  
**Article No. 7011 0470 0000 2421 2977**

Terri Stuart  
201 Garrison St.  
Zavalla, Texas 75980

Re: Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point  
Homeowners Association, Inc.;  
Docket No. 2011-0976-UCR-E

Dear Ms. Stuart:

On December 12, 2011, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The parties made the subject of this order are Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point Homeowners Association, Inc. The Emergency Order renews the appointment of Kelley Holcomb as temporary manager of the public water system located off State Highway 147, on Allen Street, about 3.5 miles from Zavalla, Angelina County, Texas.

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on December 12, 2011. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **January 25, 2012**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas**. The enclosed documentation is provided to you as a record of the materials which have been submitted to the Chief Clerk's Office and will be used in the Commission's Agenda process.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you may request at the time of the Agenda an evidentiary hearing on issuance of the Emergency Order.** An Administrative Law Judge will be available to conduct a hearing at Agenda on January 25, 2012, should you so request. Should you have any questions, please contact the TCEQ Litigation Division at (512) 239-0654.

Sincerely,



Peipey Tang  
Attorney  
Litigation Division

Enclosures

cc: Mr. Ronald Hebert, Water Section Manager, Beaumont Regional Office  
Ms. Regina Duncan, Beaumont Regional Office  
Mr. Terence Webb, Receivership Coordinator  
Mr. Blas Coy, Office of Public Interest Counsel  
Mr. Kelly Holcomb, P.O. Box 387, Lufkin, Texas 75902

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
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Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 6, 2012

**Via Certified Mail Return Receipt Requested**  
**Article No. 7011 0470 0000 2421 2960**

Lee Willis  
800 County Road 4445  
Spurger, Texas 77660

Re: Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point  
Homeowners Association, Inc.;  
Docket No. 2011-0976-UCR-E

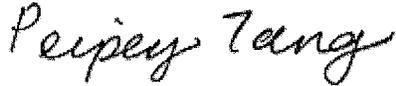
Dear Mr. Willis:

On December 12, 2011, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The parties made the subject of this order are Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point Homeowners Association, Inc. The Emergency Order renews the appointment of Kelley Holcomb as temporary manager of the public water system located off State Highway 147, on Allen Street, about 3.5 miles from Zavalla, Angelina County, Texas.

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on December 12, 2011. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **January 25, 2012**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas**. The enclosed documentation is provided to you as a record of the materials which have been submitted to the Chief Clerk's Office and will be used in the Commission's Agenda process.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you may request at the time of the Agenda an evidentiary hearing on issuance of the Emergency Order.** An Administrative Law Judge will be available to conduct a hearing at Agenda on January 25, 2012, should you so request. Should you have any questions, please contact the TCEQ Litigation Division at (512) 239-0654.

Sincerely,



Peipey Tang  
Attorney  
Litigation Division

Enclosures

cc: Mr. Ronald Hebert, Water Section Manager, Beaumont Regional Office  
Ms. Regina Duncan, Beaumont Regional Office  
Mr. Terence Webb, Receivership Coordinator  
Mr. Blas Coy, Office of Public Interest Counsel  
Mr. Kelly Holcomb, P.O. Box 387, Lufkin, Texas 75902

**IN THE MATTER OF  
AN ENFORCEMENT ACTION  
CONCERNING LEANN BAKER,  
ALLAN STUART, TERRI STUART, LEE  
WILLIS, AND PLEASURE POINT  
HOMEOWNERS ASSOCIATION,  
INC.;  
RN101281749; RN101217982  
CCN11734**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**ORDER AFFIRMING EMERGENCY ORDER  
DOCKET NO. 2011-0976-UCR-E**

On January 25, 2012, the Texas Commission on Environmental Quality ("TCEQ" or "Commission") considered whether to affirm, modify, or set aside an Emergency Order in the matter regarding Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point Homeowners Association, Inc. (collectively, "Respondents"). The Emergency Order was issued by the Executive Director without a hearing on December 12, 2011. The Emergency Order and the notice of the January 25, 2012 agenda hearing to affirm, modify, or set aside the Emergency Order were sent by certified mail return receipt requested, and sent by first class mail, postage prepaid to the last known addresses of Leann Baker, Allan Stuart, Terri Stuart, and Lee Willis on December 12, 2011. The Emergency Order was also hand delivered to Leann Baker, Allan Stuart, Terri Stuart, and Lee Willis on January 4, 2012. The Commission finds that the Executive Director appropriately issued the Emergency Order and that the requirements for an emergency order found in Chapters 5 and 13 of the Texas Water Code have been satisfied.

**THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
ORDERS THAT:**

The December 12, 2011 Emergency Order, attached hereto as Exhibit A and incorporated into this Order by reference, is affirmed.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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**Exhibit A**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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CHIEF CLERK'S OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ DOCKET NO. 2011-0976-UCR-E

IN THE MATTER OF  
AN ENFORCEMENT ACTION AGAINST  
LEANN BAKER, ALLAN STUART,  
TERRI STUART, LEE WILLIS, AND  
PLEASURE POINT HOMEOWNERS  
ASSOCIATION, INC.;  
RN101281749; RN101217982  
CCN11734

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

**EMERGENCY ORDER  
RENEWING THE APPOINTMENT OF A TEMPORARY MANAGER  
OF A WATER UTILITY**

On December 12, 2011, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") Issued this Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The parties made subject to this order are Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point Homeowners Association, Inc.<sup>1</sup> (collectively, "Respondents").

**I.  
FINDINGS OF FACT**

1. Respondents own and operate a public water system off State Highway 147, on Allen Street, about 3.5 miles from Zavalla, Angelina County, Texas (the "Utility").
2. The Utility provides potable water service for compensation to approximately 56 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. As such, the Utility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
3. The Utility operates pursuant to Certificate of Convenience and Necessity ("CCN") No. 11734.
4. Respondents have abandoned the Utility by failing to adequately maintain facilities, resulting in potential health hazards, extended outages, or repeated service interruptions. ("Exhibit A")

<sup>1</sup> The corporate charter for Pleasure Point Homeowners Association, Inc. was Involuntarily dissolved on July 11, 2007. However, CCN 11734, Issued to Pleasure Point Homeowners Association, Inc., remains in effect.

5. Commission records show that the mailing addresses for Respondents are:

Leann Baker  
761 Norris St.  
Zavalla, Texas 75980

Allan Stuart,  
201 Garrison St.  
Zavalla, Texas 75980

Terri Stuart  
201 Garrison St.  
Zavalla, Texas 75980

Lee Willis  
800 County Road 4445  
Spurger, Texas 77660

6. No other source of water is available to the more than 168 people whose water is supplied by the Utility.
7. On April 6, 2011, the Commission issued Default Order Docket No. 2009-0973-PWS-E against Leann Baker, Allan Stuart, Terri Stuart, and Lee Willis. ("Exhibit B")
8. During an investigation conducted on October 7, 2010 through October 11, 2010, a TCEQ Beaumont Regional Office investigator documented that the Utility failed to provide an operator and also documented a low chlorine residual. As a result of this investigation, the Beaumont Regional Office issued a boil water notice to the Utility customers.
9. A potential health hazard exists as a result of the Utility's failure to provide continuous and adequate service. Immediate repairs on the Utility are necessary to ensure the quality of the water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health and Safety Code, and TCEQ rules. Kelley Holcomb ("Mr. Holcomb") is currently serving as the temporary manager of the Utility through an Emergency Order issued on June 17, 2011 and affirmed by the Commission on August 3, 2011. A temporary manager is necessary to continue operations of the Utility to ensure the quality of the water meets TCEQ rule requirements and complies with the Texas Water Code as well as the Texas Health and Safety Code, and is safe for public use and consumption.
10. Mr. Holcomb has agreed to serve as temporary manager of the Utility for an additional 180 days and his mailing address is P.O. Box 387, Lufkin, Texas 75902. His telephone number is (936) 632-7795.

11. This Order is necessary to ensure that continuous and adequate water service is provided to the customers of the Utility to effectuate the purposes of the Texas Water Code and the Texas Health and Safety Code.
12. This matter has been referred to the Attorney General's Office so that a petition may be filed to appoint a receiver under TEX. WATER CODE § 13.412 to guarantee continuous and adequate service to customers of the Utility.

## II. CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1, 2, and 3, Respondents own and operate the retail public utility as defined in TEX. WATER CODE § 13.002(19).
2. Findings of Fact Nos. 4, 6, 7, and 8 show that the Utility has abandoned operations and that the appointment of a temporary manager is justified pursuant to TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(c).
3. TEX. WATER CODE § 13.4132 authorizes the Commission to appoint a willing person to temporarily manage and operate a utility if the utility has discontinued service or abandoned operations or the provision of services or has been or is being referred to the Attorney General for the appointment of a receiver under TEX. WATER CODE § 13.412.
4. TEX. WATER CODE § 5.507 provides that the Commission may issue an emergency order appointing a willing person to temporarily manage and operate a utility under TEX. WATER CODE § 13.4132.
5. This Emergency Order may be issued without notice or hearing pursuant to TEX. WATER CODE § 5.501(b) and 30 TEX. ADMIN. CODE § 35.25.
6. TEX. WATER CODE § 5.501(c) and 30 TEX. ADMIN. CODE §§ 35.12 and 291.143(a) authorize the TCEQ Executive Director to issue this Emergency Order.
7. TEX. WATER CODE §§ 5.501 and 5.507 and 30 TEX. ADMIN. CODE § 291.143(a) authorize the Executive Director to appoint a person to temporarily manage and operate a utility that has discontinued or abandoned operations or which is being referred to the office of the Attorney General for the appointment of the receiver.
8. TEX. WATER CODE § 13.4132 provides to the temporary manager the powers and duties necessary to ensure continued operation of the utility and the provision of continuous and adequate services to customers including the power and duty to read meters, bill for services, collect revenues, disburse

funds, access all system components, and request rate increases.

9. Notice of the emergency order, once it has been issued, is adequate if the notice is mailed or hand delivered to the last known address of the Utility's headquarters, in accordance with TEX. WATER CODE § 5.507. The last known addresses of Respondents are set forth in Finding of Fact No. 5.

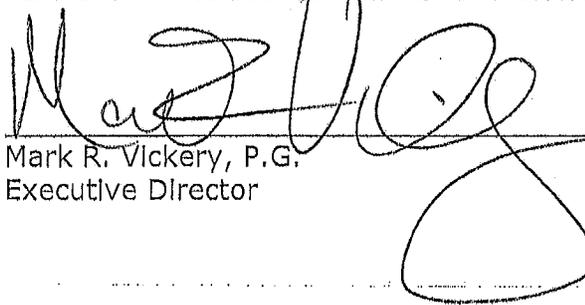
### III. ORDER

1. This Order shall be effective on the date it is executed by the TCEQ Executive Director, i.e. December 12, 2011.
2. Immediately upon the effective date of this Emergency Order, Mr. Holcomb is hereby appointed to temporarily manage and operate the Utility.
3. Mr. Holcomb shall serve as temporary manager until such time as a receiver is appointed to operate the Utility by a court of proper jurisdiction, or 180 days after the effective date of this Order i.e. June 9, 2012, whichever occurs first.
4. Mr. Holcomb is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.
5. Mr. Holcomb shall give the Executive Director an inventory of all Utility property received within sixty (60) days of the effective date of this Order.
6. Mr. Holcomb's requirement to post financial assurance with the TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 291.143(c).
7. Mr. Holcomb's compensation will come from Utility revenues in the amount of twelve dollars and fifty cents (\$12.50) per month per connection.
8. Mr. Holcomb shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).
9. Pursuant to TEX. WATER CODE § 5.504, the Commission will consider whether to affirm, modify or set aside this Order at its regular Agenda meeting on January 25, 2012 at 9:30 a.m., at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. **At the January 25, 2012 Agenda meeting, Respondents may request an evidentiary hearing pursuant to 30 TEX. ADMIN. CODE § 35.25(c) for the purpose of presenting**

**evidence and cross-examining witnesses regarding whether to affirm, modify, or set aside this Emergency Order. An Administrative Law Judge will be present at the Agenda to immediately hear the matter should a hearing be requested.**

10. The Chief Clerk shall provide a copy of this Order to each of the parties.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Mark R. Vickery, P.G.  
Executive Director

**AFFIDAVIT OF REGINA DUNCAN**

STATE OF TEXAS

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COUNTY OF ANGELINA

My name is Regina Duncan. I am an environmental investigator for the Beaumont Regional office of the Texas Commission on Environmental Quality. 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 June 13, 2011, the Beaumont Region received a complaint regarding water outages at the public water system off State Highway 147, on Allen Street, about 3.5 miles from Zavalla, Angelina County, Texas (the "Utility"). The complainant stated that the Utility had been out of water for the past week. On June 16, 2011, I arrived at the Utility and observed that water service was unavailable for all areas of the Utility. I also observed that a PVC piping joined to the ground storage tank was disconnected from the service pump.

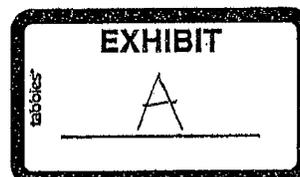
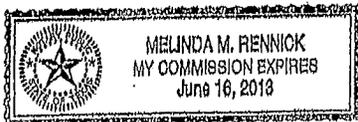
Regina Duncan  
Regina Duncan  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Regina Duncan, 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 17 day of June, A.D., 2011.

Melinda M. Rennick  
Notary Signature

Notary Stamp



PWS/0030004/CO

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

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BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DEFAULT ORDER

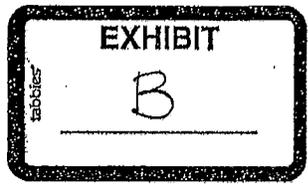
DOCKET NO. 2009-0973-PWS-E

At its APR 06 2011 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,<sup>1</sup> 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.

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<sup>1</sup> 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,"<sup>2</sup> 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 institute 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).

<sup>2</sup> 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 2.14  
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. Complete 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 § 290.1.13 (Conclusion of Law No. 2);
  - ii. Return to compliance with the running annual average MCL for HAA5, in accordance with 30 TEX. ADMIN. CODE § 290.1.13 (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

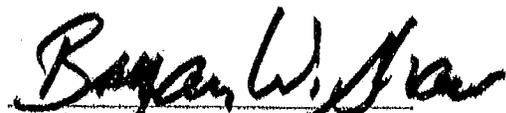
- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

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.

LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, d/b/a Pleasure Point Water Supply Corporation  
Docket No. 2009-0973-PWS-E  
Page 11

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

  
For the Commission

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy García, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 15, 2011

TO: Persons on the attached mailing list.

RE: LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis  
dba Pleasure Point Water Supply Corporation  
TCEQ Docket No. 2009-0973-PWS-E; Registration No. 0030007  
Default Order Assessing Administrative Penalties and Requiring Certain Action

Enclosed is a copy of an order issued by the Commission.

Questions regarding the order should be directed to the Enforcement Coordinator or the Staff Attorney. If there are questions pertaining to the mailing of the order, then please contact Leslie Gann of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3319.

Sincerely,

A handwritten signature in cursive script that reads "LaDonna Castañuela".

LaDonna Castañuela  
Chief Clerk

LDC/lg

Enclosure

Mailing List

LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis  
dba Pleasure Point Water Supply Corporation  
TCEQ Docket No. 2009-0973-PWS-E

FOR THE RESPONDENT:

*Mailed Via First Class Mail  
and Via Certified Mail*

LeAnn Baker  
761 Norris Street  
Zavalla, Texas 75980

Allan Stuart  
201 Garrison Street  
Zavalla, Texas 75980

Terri Stuart  
201 Garrison Street  
Zavalla, Texas 75980

Lee Willis  
800 County Road 4445  
Spurger, Texas 77660

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Xavier Guerra, Staff Attorney  
Texas Commission on Environmental  
Quality  
Litigation Division MC-175  
P.O. Box 13087  
Austin, Texas 78711-3087

Andrea Linson-Mgbeoduru,  
Enforcement Coordinator  
Texas Commission on Environmental  
Quality  
Enforcement Division MC-169  
P.O. Box 13087  
Austin, Texas 78711-3087

Ronald Hebert, Regional Contact  
Texas Commission on Environmental  
Quality  
Beaumont Regional Office MC R-10  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

**AFFIDAVIT OF REGINA DUNCAN**

STATE OF TEXAS           §  
  §  
COUNTY OF JEFFERSON   §

My name is Regina Duncan. I am an environmental Investigator for the Beaumont Regional office of the Texas Commission on Environmental Quality. 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 January 4, 2012, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I delivered to Leann Baker at 761 Norris Street, Zavalla, Texas 75980, the Notice and Emergency Order set for the January 25, 2012 Commission Agenda.

On January 4, 2012, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I attempted to deliver to Lee Willis at 800 County Road 4445, Spurger, Texas 77660, the Notice and Emergency Order set for the January 25, 2012 Commission Agenda. The Notice and Emergency Order were left at the door of 800 County Road 4445.

On January 4, 2012, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I delivered to Allan Stuart at 201 Garrison St., Zavalla, Texas 75980, the Notice and Emergency Order set for the January 25, 2012 Commission Agenda.

On January 4, 2012, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I personally attempted to deliver to Terri Stuart at 201 Garrison St., Zavalla, Texas 75980, the Notice and Emergency Order set for the January 25, 2012 Commission Agenda. The Notice and Emergency Order were left with Allan Stuart.

Regina Duncan  
Regina Duncan  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day appeared Regina Duncan, personally known to me to be the person whose name is subscribed to the foregoing instrument and upon his oath acknowledged to me that the facts herein are true and correct.

Given under my hand and seal of office this 6<sup>th</sup> day of January, A.D., 2012.

Kelli Rayon  
Notary Signature

Notary Stamp



**AFFIDAVIT OF PEIPEY TANG**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

My name is Peipey Tang. 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 December 12, 2011, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I sent via Certified Mail Return Receipt Requested (Article No. 7002 2030 0005 7059 5021), and via First Class Mail, postage prepaid to Leann Baker at 761 Norris Street, Zavalla, Texas 75980, the December 12, 2011 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the December 12, 2011 Emergency Order set for the January 25, 2012 Commission Agenda.

On December 12, 2011, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I sent via Certified Mail Return Receipt Requested (Article No. 7002 2030 0005 7059 5038), and via First Class Mail, postage prepaid to Lee Willis at 800 County Road 4445, Spurger, Texas 77660, the December 12, 2011 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the December 12, 2011 Emergency Order set for the January 25, 2012 Commission Agenda.

On December 12, 2011, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I sent via Certified Mail Return Receipt Requested (Article No. 7002 2030 0005 7059 5014), and via First Class Mail, postage prepaid to Allan Stuart at 201 Garrison St., Zavalla, Texas 75980, the December 12, 2011 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the December 12, 2011 Emergency Order set for the January 25, 2012 Commission Agenda.

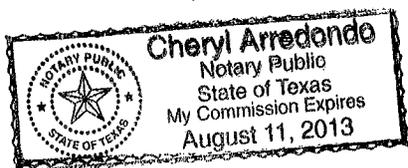
On December 12, 2011, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I sent via Certified Mail Return Receipt Requested (Article No. 7002 2030 0005 7059 5045), and via First Class Mail, postage prepaid to Terri Stuart at 201 Garrison St., Zavalla, Texas 75980, the December 12, 2011 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the December 12, 2011 Emergency Order set for the January 25, 2012 Commission Agenda.

Leann Baker, Lee Willis, Allan Stuart, and Terri Stuart resigned as former members of Pleasure Point Homeowners Association, Inc..

Peipey Tang  
Peipey Tang, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Peipey Tang, 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 4<sup>th</sup> day of January A.D., 2012.



Cheryl Arredondo  
Notary Signature

Association, Inc.

RN101281749; RN101217982

Docket No. 2011-0976-UCR-E

### ***Investigation Information***

**Complaint Date(s):** June 13, 2011 and June 15, 2011

Complaint Information: One complainant stated that they purchased their drinking water due to poor water quality and that they had been without water for the past week. The second complainant stated that they had been without water for the last four to five days.

**Date(s) of Investigation:** October 7, 2010 through October 11, 2010 and June 16, 2011

**Date(s) of NOV(s):** N/A

**Date(s) of NOE(s):** N/A

### ***Violation Information***

Abandoned operations [TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(c)].

### ***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. Immediately upon the effective date of the Emergency Order, Kelley Holcomb ("Mr. Holcomb") shall serve as temporary manager until a receiver is appointed or 180 days after the effective date of the Emergency Order; i.e. June 9, 2012.
2. Mr. Holcomb is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.
3. Mr. Holcomb shall give the Executive Director an inventory of all Utility property received within sixty (60) days of the effective date of this Order.
4. Mr. Holcomb's requirement to post financial assurance with the TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 291.143(c).
5. Mr. Holcomb's compensation will come from Utility revenues in the amount of twelve dollars and fifty cents (\$12.50) per month per connection.
6. Mr. Holcomb shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).

### ***Litigation Information***

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

**Date(s) Green Card(s) Signed:** N/A

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

**SOAH Referral Date:** N/A

**Executive Summary – Enforcement Matter** **Page 1 of 3**  
**Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point Homeowners**  
**Association, Inc.**  
**RN101281749; RN101217982**  
**Docket No. 2011-0976-UCR-E**

**Order Type:**  
Emergency Order

**Findings Order Justification:**  
N/A

**Media:**  
PWS

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
off State Highway 147, on Allen Street, about 3.5 miles from Zavalla, Angelina County, Texas

**Type of Operation:**  
Public water system and retail public utility (Utility)

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** N/A

**Comments Received:** Pursuant to TEX. WATER CODE § 7.075, publication is not required for an Emergency Order.

***Penalty Information***

<b>Total Penalty Assessed:</b>	N/A
<b>Amount Deferred for Expedited Settlement:</b>	N/A
<b>Amount Deferred for Financial Inability to Pay:</b>	N/A
<b>Total Paid to General Revenue:</b>	N/A
<b>Total Due to General Revenue:</b>	N/A
<b>SEP Conditional Offset:</b>	N/A

**Compliance History Classifications:**  
Person/CN – N/A  
Site/RN – N/A

<b>Major Source:</b>	No
<b>Statutory Limit Adjustment:</b>	N/A
<b>Applicable Penalty Policy:</b>	September 2002

**Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, and Pleasure Point Homeowners Association, Inc.**  
**RN101281749; RN101217982**  
**Docket No. 2011-0976-UCR-E**

**Hearing Date(s):**

Preliminary hearing: N/A  
Evidentiary hearing: N/A

**Contact Information**

**TCEQ Attorneys:** Peipey Tang, Litigation Division, MC 175, (512) 239-3400  
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

**TCEQ SEP Coordinator:** N/A

**TCEQ Enforcement Coordinator:** Ms. Andrea Linson-Mgbeoduru, Water Enforcement Section, (512) 239-1482

**TCEQ Regional Contact:** Mr. Ronald Hebert, Section Manager, Beaumont Regional Office, MC R-10, (409) 898-3838

**Respondents:** Leann Baker, 761 Norris St., Zavalla, Texas, 75980; Allan Stuart, 201 Garrison St., Zavalla, Texas, 75980; Terri Stuart, 201 Garrison St., Zavalla, Texas, 75980; Lee Willis, 800 County Road 4445, Spurger, Texas, 77660

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

**Background Facts:**

The Utility provides potable water service for compensation to approximately 56 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. No other source of water is available to the more than 168 people whose water is supplied by the Utility.

On April 6, 2011, the Commission issued Default Order Docket No. 2009-0973-PWS-E against Leann Baker, Allan Stuart, Terri Stuart, and Lee Willis.

During an investigation conducted on October 7, 2010 through October 11, 2010, a TCEQ Beaumont Regional Office investigator documented that the Utility failed to provide an operator and also documented a low chlorine residual. As a result of this investigation, the Beaumont Regional Office issued a boil water notice to the Utility customers.

On June 16, 2011, a TCEQ Beaumont Regional investigator observed that water service was unavailable for all areas of the Utility. Respondents have abandoned the Utility by failing to adequately maintain facilities, resulting in potential health hazards, extended outages, or repeated service interruptions.

A potential health hazard exists as a result of the Utility's failure to provide continuous and adequate service. Immediate repairs on the Utility are necessary to ensure the quality of the water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health & Safety Code, and TCEQ rules. Therefore, a temporary manager is necessary to operate the Utility to ensure the quality of the water meets TCEQ rule requirements, complies with the Texas Water Code and the Texas Health & Safety Code, and is safe for public use and consumption.

On June 17, 2011, the Executive Director issued an Emergency Order appointing Mr. Holcomb as Temporary Manager for the Utility. On August 3, 2011, the Commission determined that the Executive Director appropriately issued the Emergency Order. On December 12, 2011, the Executive Director issued an Emergency Order renewing the appointment of Mr. Holcomb as Temporary Manager for the Utility.

The Executive Director is requesting approval of the Emergency Order renewing the appointment of Mr. Holcomb as the temporary manager for an additional 180 days.

# Compliance History

Customer/Respondent/Owner-Operator: CN603471889 Leann Baker Classification: Rating:  
Regulated Entity: RN101281749 PLEASURE POINT Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0030007  
Location: ON SH-147 ABOUT 3.5 MI FROM ZAVALLA TX 75980  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: July 05, 2011  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: June 21, 2006 to June 21, 2011  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrea Linson Phone: (512) 239-1482

## 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? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

## 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: 05/08/2011

ADMINORDER 2009-0973-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to provide a flow measuring device for each well.

Classification: Minor

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

Description: Failure to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to have a gravity hinged and weighted cover on the overflow pipe for a storage tank.

Classification: Moderate

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

Description: Failure to maintain conduct and record annual inspections of the ground storage tanks.

Classification: Moderate

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

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

Description: Failure to maintain the minimum disinfectant residual in the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to keep records of the amount of chemical used and the amount of water treated each week.

Classification: Minor

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

Description: Failure to have an accurate and up-to-date map of the distribution system.

Classification: Moderate

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

Description: Failure to have customer service agreements for all customers on the water system. This violation is a repeat of Violation Track No. 168124. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to maintain flushing records. This violation is a repeat of Violation Track No. 168142. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to have an up-to-date chemical and microbiological monitoring plan. This violation is a repeat of Violation Track No. 168140. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Failure to obtain a sanitary control easement or executive director approval for a substitute for obtaining, recording, and submitting a copy of the recorded sanitary control easement(s). This violation is a repeat of Violation Track No. 168136. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a well capacity of 0.6 gpm per connection. This violation is also a repeat of Violation Track No. 168312. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a pressure tank capacity of 20 gallons per connection. This violation is also a repeat of Violation Track No. 168317. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a total storage capacity of 200 gallons per connection. This violation is a repeat of Violation Track No. 168320. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a service pump capacity of 2 gpm per connection. This violation is a repeat of Violation Track No. 168321. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Classification: Moderate

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

Description: Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.

Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Classification: Moderate

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

Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

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 06/2008 - System exceeded a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: TCR PN MCL Violation 06/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.

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.

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.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
 Description: Failed to inspect the Facility's two pressure tanks within the past 12 months.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the MCL for TTHM (0.08mg/L) during the second quarter of 2008. Specifically, at the time of the record review, it was documented that the running annual average concentration for TTHM was 0.271 mg/L for the second quarter of 2008.

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	11/08/2007(574290)	10	04/28/2009 (743789)
2	03/14/2008 (704908)	11	04/28/2009 (743793)
3	08/05/2008 (705976)	12	04/28/2009 (743799)
4	08/06/2008 (705981)	13	04/28/2009 (743805)
5	09/03/2008 (705983)	14	06/04/2009 (744329)
6	11/05/2008 (706773)	15	06/02/2009 (747679)
7	12/11/2008 (721085)	16	09/29/2009 (775206)
8	03/02/2009 (723449)	17	11/09/2010 (870396)
9	06/09/2009 (740880)		

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

Date: 03/14/2008 (704908) CN603468364  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THSC Chapter 341, SubChapter A 341.0315(e)  
 Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.  
 Date: 06/23/2008 (743789) CN603468364  
 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 06/2008 - System exceeded a Maximum Contaminant Level Violation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
 Description: TCR PN MCL Violation 06/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.  
 Date: 08/05/2008 (705976) CN603468364

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the first  
quarter of 2008.  
Date: 08/06/2008 (705981) CN603468364

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the first  
quarter of 2008.  
Date: 09/03/2008 (743793) CN603468364

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) CN603468364

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the second  
quarter of 2008.  
Date: 02/23/2009 (723943) CN603468364

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) CN603468364

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine  
monitoring sample(s).  
Date: 04/07/2009 (743805) CN603468364

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine  
monitoring sample(s).  
Date: 05/06/2009 (747679) CN603468364

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

# Compliance History

Customer/Respondent/Owner-Operator: CN603467606 Allan R Stuart Classification: Rating:  
Regulated Entity: RN101281749 PLEASURE POINT Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0030007  
Location: ON SH-147 ABOUT 3.5 MI FROM ZAVALLA TX 75980  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: July 05, 2011  
Agency Decision Requiring Compliance History; Enforcement  
Compliance Period: June 21, 2006 to June 21, 2011  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrea Linson Phone: (512) 239-1482

## 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? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

## 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: 05/08/2011

ADMINORDER 2009-0973-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to provide a flow measuring device for each well.

Classification: Minor

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

Description: Failure to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to have a gravity hinged and weighted cover on the overflow pipe for a storage tank.

Classification: Moderate

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

Description: Failure to maintain conduct and record annual inspections of the ground storage tanks.

Classification: Moderate

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

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

Description: Failure to maintain the minimum disinfectant residual in the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to keep records of the amount of chemical used and the amount of water treated each week.

Classification: Minor

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

Description: Failure to have an accurate and up-to-date map of the distribution system.

Classification: Moderate

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

Description: Failure to have customer service agreements for all customers on the water system. This violation is a repeat of Violation Track No. 168124. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to maintain flushing records. This violation is a repeat of Violation Track No. 168142. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to have an up-to-date chemical and microbiological monitoring plan. This violation is a repeat of Violation Track No. 168140. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Failure to obtain a sanitary control easement or executive director approval for a substitute for obtaining, recording, and submitting a copy of the recorded sanitary control easement(s). This violation is a repeat of Violation Track No. 168136. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a well capacity of 0.6 gpm per connection. This violation is also a repeat of Violation Track No. 168312. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a pressure tank capacity of 20 gallons per connection. This violation is also a repeat of Violation Track No. 168317. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a total storage capacity of 200 gallons per connection. This violation is a repeat of Violation Track No. 168320. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a service pump capacity of 2 gpm per connection. This violation is a repeat of Violation Track No. 168321. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Classification: Moderate

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

Description: Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.

Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Classification: Moderate

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

Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

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 06/2008 - System exceeded a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: TCR PN MCL Violation 06/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.

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.

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.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
 Description: Failed to inspect the Facility's two pressure tanks within the past 12 months.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THSC Chapter 341, SubChapter A 341.0315(e)  
 Description: Violated the MCL for TTHM (0.08mg/L) during the second quarter of 2008. Specifically, at the time of the record review, it was documented that the running annual average concentration for TTHM was 0.271 mg/L for the second quarter of 2008.

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	11/08/2007(574290)	10	04/28/2009 (743789)
2	03/14/2008 (704908)	11	04/28/2009 (743793)
3	08/05/2008 (705976)	12	04/28/2009 (743799)
4	08/06/2008 (705981)	13	04/28/2009 (743805)
5	09/03/2008 (705983)	14	06/04/2009 (744329)
6	11/05/2008 (706773)	15	06/02/2009 (747679)
7	12/11/2008 (721085)	16	09/29/2009 (775206)
8	03/02/2009 (723449)	17	11/09/2010 (870396)
9	06/09/2009 (740880)		

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

Date: 03/14/2008 (704908) CN603468364  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THSC Chapter 341, SubChapter A 341.0315(e)  
 Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.  
 Date: 06/23/2008 (743789) CN603468364  
 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 06/2008 - System exceeded a Maximum Contaminant Level Violation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
 Description: TCR PN MCL Violation 06/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.  
 Date: 08/05/2008 (705976) CN603468364

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.  
 Date: 08/06/2008 (705981) CN603468364

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.  
 Date: 09/03/2008 (743793) CN603468364

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) CN603468364

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.  
 Date: 02/23/2009 (723943) CN603468364

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) CN603468364

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).  
 Date: 04/07/2009 (743805) CN603468364

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).  
 Date: 05/06/2009 (747679) CN603468364

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

# Compliance History

Customer/Respondent/Owner-Operator: CN603468364 Terri Stuart Classification: Rating:  
Regulated Entity: RN101281749 PLEASURE POINT Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0030007  
Location: ON SH-147 ABOUT 3.5 MI FROM ZAVALLA TX 75980  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: July 05, 2011  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: June 21, 2006 to June 21, 2011  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrea Linson Phone: (512) 239-1482

## 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? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

## 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: 05/08/2011

ADMINORDER 2009-0973-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to provide a flow measuring device for each well.

Classification: Minor

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

Description: Failure to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to have a gravity hinged and weighted cover on the overflow pipe for a storage tank.

Classification: Moderate

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

Description: Failure to maintain conduct and record annual inspections of the ground storage tanks.

Classification: Moderate

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

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

Description: Failure to maintain the minimum disinfectant residual in the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to keep records of the amount of chemical used and the amount of water treated each week.

Classification: Minor

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

Description: Failure to have an accurate and up-to-date map of the distribution system.

Classification: Moderate

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

Description: Failure to have customer service agreements for all customers on the water system. This violation is a repeat of Violation Track No. 168124. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to maintain flushing records. This violation is a repeat of Violation Track No. 168142. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to have an up-to-date chemical and microbiological monitoring plan. This violation is a repeat of Violation Track No. 168140. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Failure to obtain a sanitary control easement or executive director approval for a substitute for obtaining, recording, and submitting a copy of the recorded sanitary control easement(s). This violation is a repeat of Violation Track No. 168136. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a well capacity of 0.6 gpm per connection. This violation is also a repeat of Violation Track No. 168312. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a pressure tank capacity of 20 gallons per connection. This violation is also a repeat of Violation Track No. 168317. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a total storage capacity of 200 gallons per connection. This violation is a repeat of Violation Track No. 168320. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a service pump capacity of 2 gpm per connection. This violation is a repeat of Violation Track No. 168321. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Classification: Moderate

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

Description: Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.

Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Classification: Moderate

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

Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

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 06/2008 - System exceeded a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: TCR PN MCL Violation 06/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.

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.

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.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
 Description: Failed to inspect the Facility's two pressure tanks within the past 12 months.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the MCL for TTHM (0.08mg/L) during the second quarter of 2008. Specifically, at the time of the record review, it was documented that the running annual average concentration for TTHM was 0.271 mg/L for the second quarter of 2008.

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	11/08/2007(574290)	10	04/28/2009 (743789)
2	03/14/2008 (704908)	11	04/28/2009 (743793)
3	08/05/2008 (705976)	12	04/28/2009 (743799)
4	08/06/2008 (705981)	13	04/28/2009 (743805)
5	09/03/2008 (705983)	14	06/04/2009 (744329)
6	11/05/2008 (706773)	15	06/02/2009 (747679)
7	12/11/2008 (721085)	16	09/29/2009 (775206)
8	03/02/2009 (723449)	17	11/09/2010 (870396)
9	06/09/2009 (740880)		

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

Date: 03/14/2008 (704908) CN603468364  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Date: 06/23/2008 (743789) CN603468364  
 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 06/2008 - System exceeded a Maximum Contaminant Level Violation.

Date: 08/05/2008 (705976) CN603468364  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
 Description: TCR PN MCL Violation 06/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for haloacetic acids during the first  
 quarter of 2008.  
 Date: 08/06/2008 (705981) CN603468364  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for trihalomethanes during the first  
 quarter of 2008.  
 Date: 09/03/2008 (743793) CN603468364  
 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) CN603468364  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for haloacetic acids during the second  
 quarter of 2008.  
 Date: 02/23/2009 (723943) CN603468364  
 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) CN603468364  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine  
 monitoring sample(s).  
 Date: 04/07/2009 (743805) CN603468364  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine  
 monitoring sample(s).  
 Date: 05/06/2009 (747679) CN603468364  
 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

# Compliance History

Customer/Respondent/Owner-Operator: CN603468356 Lee L Willis Classification: Rating:  
Regulated Entity: RN101281749 PLEASURE POINT Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0030007  
Location: ON SH-147 ABOUT 3.5 MI FROM ZAVALLA TX 75980  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: July 05, 2011  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: June 21, 2006 to June 21, 2011  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrea Linson Phone: (512) 239-1482

## 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? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

## 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: 05/08/2011

ADMINORDER 2009-0973-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to provide a flow measuring device for each well.

Classification: Minor

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

Description: Failure to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)(3)

Description: Failure to have a gravity hinged and weighted cover on the overflow pipe for a storage tank.

Classification: Moderate

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

Description: Failure to maintain conduct and record annual inspections of the ground storage tanks.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the minimum disinfectant residual in the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to keep records of the amount of chemical used and the amount of water treated each week.

Classification: Minor

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

Description: Failure to have an accurate and up-to-date map of the distribution system.

Classification: Moderate

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

Description: Failure to have customer service agreements for all customers on the water system. This violation is a repeat of Violation Track No. 168124. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to maintain flushing records. This violation is a repeat of Violation Track No. 168142. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Failure to have an up-to-date chemical and microbiological monitoring plan. This violation is a repeat of Violation Track No. 168140. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Failure to obtain a sanitary control easement or executive director approval for a substitute for obtaining, recording, and submitting a copy of the recorded sanitary control easement(s). This violation is a repeat of Violation Track No. 168136. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a well capacity of 0.6 gpm per connection. This violation is also a repeat of Violation Track No. 168312. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a pressure tank capacity of 20 gallons per connection. This violation is also a repeat of Violation Track No. 168317. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a total storage capacity of 200 gallons per connection. This violation is a repeat of Violation Track No. 168320. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a service pump capacity of 2 gpm per connection. This violation is a repeat of Violation Track No. 168321. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Classification: Moderate

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

Description: Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.

Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Classification: Moderate

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

Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

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 06/2008 - System exceeded a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: TCR PN MCL Violation 06/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.

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.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(e)(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.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
 Description: Failed to inspect the Facility's two pressure tanks within the past 12 months.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the MCL for TTHM (0.08mg/L) during the second quarter of 2008. Specifically, at the time of the record review, it was documented that the running annual average concentration for TTHM was 0.271 mg/L for the second quarter of 2008.

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	11/08/2007(574290)	10	04/28/2009 (743789)
2	03/14/2008 (704908)	11	04/28/2009 (743793)
3	08/05/2008 (705976)	12	04/28/2009 (743799)
4	08/06/2008 (705981)	13	04/28/2009 (743805)
5	09/03/2008 (705983)	14	06/04/2009 (744329)
6	11/05/2008 (706773)	15	06/02/2009 (747679)
7	12/11/2008 (721085)	16	09/29/2009 (775206)
8	03/02/2009 (723449)	17	11/09/2010 (870396)
9	06/09/2009 (740880)		

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

Date: 03/14/2008 (704908) CN603468364  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.  
 Date: 06/23/2008 (743789) CN603468364  
 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 06/2008 - System exceeded a Maximum Contaminant Level Violation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
 Description: TCR PN MCL Violation 06/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.  
 Date: 08/05/2008 (705976) CN603468364

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.  
Date: 08/06/2008 (705981) CN603468364

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.  
Date: 09/03/2008 (743793) CN603468364

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) CN603468364

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.  
Date: 02/23/2009 (723943) CN603468364

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) CN603468364

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).  
Date: 04/07/2009 (743805) CN603468364

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).  
Date: 05/06/2009 (747679) CN603468364

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

# Compliance History

Customer/Respondent/Owner-Operator: CN602599375 Pleasure Point Homeowners Association, Inc. Classification: Rating:

Regulated Entity: RN101281749 PLEASURE POINT Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0030007

Location: ON SH-147 ABOUT 3.5 MI FROM ZAVALLA TX 75980

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 05, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 21, 2006 to June 21, 2011

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

Name: Andrea Linson Phone: (512) 239-1482

## 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? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

### 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: 05/08/2011

ADMINORDER 2009-0973-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to provide a flow measuring device for each well.

Classification: Minor

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

Description: Failure to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to have a gravity hinged and weighted cover on the overflow pipe for a storage tank.

Classification: Moderate

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

Description: Failure to maintain conduct and record annual inspections of the ground storage tanks.

Classification: Moderate

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

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

Description: Failure to maintain the minimum disinfectant residual in the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to keep records of the amount of chemical used and the amount of water treated each week.

Classification: Minor

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

Description: Failure to have an accurate and up-to-date map of the distribution system.

Classification: Moderate

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

Description: Failure to have customer service agreements for all customers on the water system. This violation is a repeat of Violation Track No. 168124. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to maintain flushing records. This violation is a repeat of Violation Track No. 168142. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Failure to have an up-to-date chemical and microbiological monitoring plan. This violation is a repeat of Violation Track No. 168140. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Failure to obtain a sanitary control easement or executive director approval for a substitute for obtaining, recording, and submitting a copy of the recorded sanitary control easement(s). This violation is a repeat of Violation Track No. 168136. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a well capacity of 0.6 gpm per connection. This violation is also a repeat of Violation Track No. 168312. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a pressure tank capacity of 20 gallons per connection. This violation is also a repeat of Violation Track No. 168317. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a total storage capacity of 200 gallons per connection. This violation is a repeat of Violation Track No. 168320. The previous violation was resolved in CCEDS without corrective action.

Classification: Minor

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

Description: Failure to provide a service pump capacity of 2 gpm per connection. This violation is a repeat of Violation Track No. 168321. The previous violation was resolved in CCEDS without corrective action.

Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Classification: Moderate

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

Description: Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.

Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Classification: Moderate

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

Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

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 06/2008 - System exceeded a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: TCR PN MCL Violation 06/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(e)(2)(F)

Description: TCR Increase Monitoring Violation 07/2008 - Failure to collect all 5 distribution samples

following a coliform found month.

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.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).

Classification: Minor

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

Description: Failed to inspect the Facility's two pressure tanks within the past 12 months.

Classification: Moderate

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

Description: Violated the MCL for TTHM (0.08mg/L) during the second quarter of 2008. Specifically, at the time of the record review, it was documented that the running annual average concentration for TTHM was 0.271 mg/L for the second quarter of 2008.

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	11/08/2007(574290)	10	04/28/2009	(743789)
2	03/14/2008 (704908)	11	04/28/2009	(743793)
3	08/05/2008 (705976)	12	04/28/2009	(743799)
4	08/06/2008 (705981)	13	04/28/2009	(743805)
5	09/03/2008 (705983)	14	06/04/2009	(744329)
6	11/05/2008 (706773)	15	06/02/2009	(747679)
7	12/11/2008 (721085)	16	09/29/2009	(775206)
8	03/02/2009 (723449)	17	11/09/2010	(870396)
9	06/09/2009 (740880)			

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

Date: 03/14/2008 (704908) CN603468364

Self Report? NO Classification: Moderate

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

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Date: 06/23/2008 (743789) CN603468364

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 06/2008 - System exceeded a Maximum Contaminant Level Violation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: TCR PN MCL Violation 06/2008 - Failure to post a public notice for exceeding a

Maximum Contaminant Level Violation.

Date: 08/05/2008 (705976) CN603468364  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.

Date: 08/06/2008 (705981) CN603468364  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 09/03/2008 (743793) CN603468364  
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) CN603468364  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

Date: 02/23/2009 (723943) CN603468364  
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) CN603468364  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).

Date: 04/07/2009 (743805) CN603468364  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).

Date: 05/06/2009 (747679) CN603468364  
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