

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 42348
GORDON DEAN ROGERS D/B/A LAKEVIEW RV PARK & MOTEL
RN101611390
Docket No. 2011-1505-PWS-E

Order Type:

Default Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

5896 State Highway 147, Zavalla, Angelina County

Type of Operation:

RV Park and Motel with a public water system

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: June 8, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$13,282

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$13,282

Compliance History Classifications:

Person/CN – Average
Site/RN – Average

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: June 22, 2011; June 27, 2011; August 18, 2011

Date(s) of NOV(s): See Compliance History – 15 related NOVs

Date(s) of NOE(s): July 1, 2011; August 11, 2011; March 5, 2012

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Violation Information

1. Failed to provide a well capacity of 0.6 gallons per minute (“gpm”) per unit [30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide the overflow pipe on the ground storage tank (“GST”) with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].
3. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m) and (m)(4)].
4. Failed to provide the GST with a liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].
5. Failed to ensure that the point of application for disinfection is prior to entering the GST [30 TEX. ADMIN. CODE § 290.42(e)(2)].
6. Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4)].
7. Failed to keep on file and make available for review an up-to-date record of water works operations and maintenance activities for operator review and reference [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(vi) and (f)(3)(D)(i)].
8. Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system [30 TEX. ADMIN. CODE § 290.109(c)(1)(A)].
9. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].
10. Failed to provide an accurate and up-to-date map of the distribution system [30 TEX. ADMIN. CODE § 290.46(n)(2)].
11. Failed to maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
12. Failed to compile and maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
13. Failed to conduct an annual inspection of the GST [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
14. Failed to conduct an annual inspection of the pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].
15. Failed to monitor the disinfectant residual throughout the distribution system at least once every seven days using a test kit that employs a diethyl-p-phenylendiamine (“DPD”) colorimetric method [30 TEX. ADMIN. CODE § 290.110(c)(4)(A) and (d)(1)(C)(ii)].
16. Failed to calibrate the well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
17. Failed to complete customer service inspection (“CSI”) reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities [30 TEX. ADMIN. CODE § 290.46(j)].

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18. Failed to provide pressure tank capacity of at least 10 gallons per unit [30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(iv)].
19. Failed to maintain a minimum pressure of 35 psi throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(r)].
20. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect routine samples [& SAFETY CODE § 341.033(d)].
21. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for a routine distribution coliform sample, and failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform-positive sample [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B)].
22. Failed to collect at least five distribution coliform samples the months following a total coliform-positive sample result, and failed to provide public notice of the failure to collect the samples [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(B)].
23. Failed to provide the results of annual nitrate sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].
24. Failed to comply with the maximum contaminant level (“MCL”) for total coliform and failed to provide public notice for exceeding the MCL for total coliform [30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.031(a)].
25. Failed to pay the Public Health Service fees, Water Quality Assessment fees, and associated late fees for TCEQ Financial Administration Account Nos. 23005957 and 90030042 [30 TEX. ADMIN. CODE §§ 290.51(a)(6) and 312.9 and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

During a follow-up visit on June 28, 2011, it was confirmed that Respondent is maintaining a distribution system pressure of at least 35 psi at the Facility (violation no. 19)

Technical Requirements:

1. Within 10 days:
 - a. Begin operating the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times;
 - b. Begin monitoring the disinfectant residual throughout the distribution system at least once every seven days using a test kit that employs a DPD colorimetric method;
 - c. Ensure that routine distribution coliform samples are collected at active service connections which are representative of water quality throughout the distribution system; and
 - d. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
2. Within 30 days:
 - a. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility;
 - b. Institute 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 leak on the inlet pipe on the GST and repairing the liquid chlorine pump;
 - c. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established;

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- d. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later; and
 - e. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account Nos. 23005957 and 90030042.
3. Within 60 days:
- a. Provide the overflow pipe on the GST with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch;
 - b. Provide the GST with a liquid level indicator located at the tank site;
 - c. Relocate the point of application for the liquid sodium hypochlorite to a position ahead of the GST;
 - d. Begin maintaining a record of water works operations and maintenance activities for operator review and reference, including but not limited to ensuring that the following records are available for review: ANSI/NSF Standard 60 certification for the sodium hypochlorite used for disinfection, the amount of disinfectant used weekly, the amount of water treated weekly, maintenance records for water system equipment, and monthly microbiological analysis results;
 - e. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted;
 - f. Provide an accurate and up-to-date map of the distribution system;
 - g. Provide an up-to-date chemical and microbiological monitoring plan;
 - h. Compile and maintain a thorough plant operations manual for operator review and reference;
 - i. Conduct an inspection of the GST;
 - j. Conduct an inspection of the pressure tank;
 - k. Calibrate the Facility's well meter; and
 - l. Conduct a CSI at the WWTF to ensure that no cross-connections or other potential contamination hazards exist and implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that CSI reports are completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities.
4. Within 180 days:
- a. Provide a well capacity of 0.6 gpm per unit; and
 - b. Provide a pressure tank capacity of at least 10 gallons per unit.
5. Submit written certification to demonstrate compliance:
- a. Within 30 days for Technical Requirement Nos. 1.a. through 1.c.;
 - b. Within 45 days for Technical Requirement Nos. 2.a. through 2.e.;
 - c. Within 75 days for Technical Requirement Nos. 3.a. through 3.l.; and
 - d. Within 195 days for Technical Requirements Nos. 1.d., 4.a. and 4.b.

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Docket No. 2011-1505-PWS-E

Litigation Information

Date Petition(s) Filed: March 6, 2012
Date Green Card(s) Signed: March 10, 2012
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Rudy Calderon, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Scott Humphrey, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Stephen Thompson, Enforcement Division, (512) 239-2558
TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, (409) 898-3838
Respondent: Gordon Dean Rogers, 5896 State Highway 147, Zavalla, Texas 75980
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	15-Aug-2011	Screening	18-Aug-2011	EPA Due	31-Dec-2009
	PCW	6-Oct-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Gordon Dean Rogers dba Lakeview RV Park & Motel
Reg. Ent. Ref. No.	RN101611390
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	42348	No. of Violations	25
Docket No.	2011-1505-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Stephen Thompson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,550
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	79.0% Enhancement	Subtotals 2, 3, & 7	\$5,174
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Notes	Enhancement due to 15 NOVs with same/similar violations and two NOVs with dissimilar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,388	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$11,293	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,724
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OTHER FACTORS AS JUSTICE MAY REQUIRE	13.3%	Adjustment	\$1,558
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement recommended for the recovery of avoided costs of compliance associated with violation nos. 6, 13, 14, 15, 16, 20, 21, 22 and 24.
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Final Penalty Amount	\$13,282
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,282
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$13,282
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Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	15	75%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 79%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to 15 NOVs with same/similar violations and two NOVs with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 79%

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(c)(1)(B)(i) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per unit. Specifically, at the time of the investigation, it was documented that the Facility serves 55 connections and is required to provide a well capacity of 33 gpm. However, the Facility's well production capacity was 10 gpm, which is a 70% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to provide adequate well capacity could lead to water shortages and expose consumers to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 57 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the date of the investigation, June 22, 2011, to the date of screening, August 18, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$419

Violation Final Penalty Total \$1,014

This violation Final Assessed Penalty (adjusted for limits) \$1,014

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$5,000	22-Jun-2011	1-Sep-2012	1.20	\$20	\$399	\$419
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to provide the required amount of well production capacity, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$419

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)

Violation Description Failed to provide the overflow pipe on the ground storage tank ("GST") with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch. Specifically, at the time of the investigation, the cover on the overflow pipe did not fit tightly and had a gap greater than 1/16 inch.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%).

>> Programmatic Matrix

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

Matrix Notes Without a proper cover installed on the overflow pipe, insects or animals could enter the ground storage tank and expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, June 22, 2011, to the date of screening, August 18, 2011.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, Before NOV, NOV to EDPRP/Settlement Offer.

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3 Violation Final Penalty Total \$203

This violation Final Assessed Penalty (adjusted for limits) \$203

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	22-Jun-2011	1-May-2012	0.86	\$0	\$3	\$3
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to provide the overflow pipe on the GST with a tight-fitting, weighted cover, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m) and (m)(4)

Violation Description Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was documented that the inlet pipe on the GST was leaking and the pump used to inject liquid chlorine into the water supply was not working.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%).

>> Programmatic Matrix

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

Matrix Notes Failure to utilize adequate maintenance and housekeeping practices could lead to the malfunction or inoperability of the Facility's equipment and could expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 57 Number of violation days

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

Violation Base Penalty \$200

Two quarterly events (one for each issue) are recommended, calculated from the date of the investigation, June 22, 2011, to the date of screening, August 18, 2011.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14 Violation Final Penalty Total \$406

This violation Final Assessed Penalty (adjusted for limits) \$406

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$250	22-Jun-2011	1-Apr-2012	0.78	\$1	\$13	\$14
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to repair the leak on the inlet pipe of the GST and repair the chlorine pump, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$14

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4)

Violation Description Failed to provide the GST with a liquid level indicator located at the tank site. Specifically, at the time of the investigation, it was documented that the Facility's GST was not equipped with a liquid level indicator.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
Failure to have a liquid level indicator on the GST prevents the operator from making the necessary water storage calculations which could potentially expose consumers to an insignificant amount of contaminants that would not exceed levels protective of human health.					0%

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 57 Number of violation days

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

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$101

This violation Final Assessed Penalty (adjusted for limits) \$101

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$200	22-Jun-2011	1-May-2012	0.86	\$1	\$11	\$12
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to equip the GST with a liquid level indicator, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$12

Screening Date 18-Aug-2011 **Docket No.** 2011-1505-PWS-E
Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Reg. Ent. Reference No. RN101611390
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(2)

Violation Description

Failed to ensure that the point of application for disinfection is prior to entering the GST. Specifically, at the time of the investigation, it was documented that the injection point for liquid sodium hypochlorite was within the GST on the opposite side of the inlet. Furthermore, because the pump was inoperable at the time of the investigation, bleach was being applied to the stored water through the roof hatch of the GST.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

Failure to apply the disinfectant ahead of storage may lead to inadequate disinfection of the drinking water supply and could expose consumers to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, June 22, 2011, to the date of screening, August 18, 2011.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$203

This violation Final Assessed Penalty (adjusted for limits) \$203

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	22-Jun-2011	1-May-2012	0.86	\$1	\$11	\$12
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to relocate the liquid chlorine injection point to a point ahead of the GST, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$12

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 6

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

Violation Description

Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, at the time of the investigation, the disinfectant residual was measured to be 0.05 mg/L free chlorine at a hose bib located on the east side of the store. Additionally, during a follow-up visit conducted on June 28, 2011, the disinfectant residual was measured to be 0.02 mg/L free chlorine at the same location.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to provide adequate disinfectant in the drinking water distribution system may expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$200

Two single events are recommended, for the two days during which a low residual was documented.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$200

Violation Final Penalty Total \$406

This violation Final Assessed Penalty (adjusted for limits) \$406

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	22-Jun-2011	28-Jun-2011	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to ensure that the disinfection equipment is properly operated and maintained to ensure that the drinking water supply is adequately disinfected, calculated for the dates on which the low disinfectant residual readings occurred.

Approx. Cost of Compliance \$200

TOTAL \$200

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(vi) and (f)(3)(D)(i)

Violation Description

Failed to keep on file and make available for review an up-to-date record of water works operations and maintenance activities for operator review and reference. Specifically, at the time of the investigation, it was documented that the following records were not available for review: American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 certification for the sodium hypochlorite used for disinfection, the amount of disinfectant used weekly, the amount of water treated weekly, maintenance records for water system equipment and microbiological analysis results for the months of June through September 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Between 30 and 70% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 57 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$101

This violation Final Assessed Penalty (adjusted for limits) \$101

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$135	22-Jun-2011	1-May-2012	0.86	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to begin keeping an up-to-date record of water works operations and maintenance activities for operator review and reference, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$135

TOTAL

\$6

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(1)(A)

Violation Description Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. Specifically, at the time of the investigation, it was documented that the Facility did not rotate the locations at which routine distribution coliform samples were collected.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%).

>> Programmatic Matrix

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

Matrix Notes Failure to collect routine distribution samples that are representative of water quality throughout the distribution system may lead to the inadequate treatment of the drinking water and could expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 57

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

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, June 22, 2011, to the date of screening, August 18, 2011.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$203

This violation Final Assessed Penalty (adjusted for limits) \$203

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$45	22-Jun-2011	10-Mar-2012	0.72	\$2	n/a	\$2

Notes for DELAYED costs

The delayed costs include the estimated amount to implement a plan to conduct routine sampling at different locations throughout the distribution system, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$2

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 9

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

Violation Description Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR Release Actual Potential Harm Major Moderate Minor Percent 0%

>> Programmatic Matrix

Falsification Major Moderate Minor Percent 10% Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$203

This violation Final Assessed Penalty (adjusted for limits) \$203

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	22-Jun-2011	1-May-2012	0.86	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to draft and adopt a plumbing ordinance, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$8

Screening Date 18-Aug-2011 **Docket No.** 2011-1505-PWS-E
Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Reg. Ent. Reference No. RN101611390
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

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

Violation Number 10
Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)
Violation Description Failed to provide an accurate and up-to-date map of the distribution system.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction
 Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$203

This violation Final Assessed Penalty (adjusted for limits) \$203

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	22-Jun-2011	1-May-2012	0.86	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to compile an accurate and up-to-date map of the distribution system, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$8

Screening Date 18-Aug-2011 **Docket No.** 2011-1505-PWS-E
Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Reg. Ent. Reference No. RN101611390
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

PCW

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

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text" value="100% of the rule requirement was not met."/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction
 Before NOV NOV to EDPRP/Settlement Offer

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	22-Jun-2011	1-May-2012	0.86	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to compile a chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$8

Screening Date 18-Aug-2011 **Docket No.** 2011-1505-PWS-E
Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Reg. Ent. Reference No. RN101611390
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

PCW

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

Violation Number 12
Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)
Violation Description Failed to compile and maintain a thorough plant operations manual for operator review and reference.

Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> **Programmatic Matrix**

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction
 Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$203

This violation Final Assessed Penalty (adjusted for limits) \$203

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	22-Jun-2011	1-May-2012	0.86	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to compile a plant operations manual and maintain it at the Facility for review and reference, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$8

Screening Date 18-Aug-2011 **Docket No.** 2011-1505-PWS-E
Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Reg. Ent. Reference No. RN101611390
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

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

Violation Number 13
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)
Violation Description Failed to conduct an annual inspection of the GST.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	Complete failure to perform an inspection of the GST could expose consumers to significant amounts of contaminants that would not exceed levels that are protective of human health.				

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$100

One annual event is recommended calculated for the 12 months preceding the investigation, June 22, 2011.

Good Faith Efforts to Comply

0.0% Reduction
 Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$203

This violation Final Assessed Penalty (adjusted for limits) \$203

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$41	22-Jun-2010	22-Jun-2011	1.92	\$4	\$41	\$45
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct the annual GST inspection, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance \$41

TOTAL \$45

Screening Date 18-Aug-2011 **Docket No.** 2011-1505-PWS-E
Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Reg. Ent. Reference No. RN101611390
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

PCW

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

Violation Number 14
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)
Violation Description Failed to conduct an annual inspection of the pressure tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect that causes loss of tank integrity, which could expose consumers to significant amounts of contaminants that would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$250

One annual event is recommended calculated for the 12 months preceding the investigation, June 22, 2011.

Good Faith Efforts to Comply

0.0% Reduction
 Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$507

This violation Final Assessed Penalty (adjusted for limits) \$507

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$41	22-Jun-2010	22-Jun-2011	1.92	\$4	\$41	\$45
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct the annual pressure tank inspection, calculated for the one year prior to the date of the investigation date.

Approx. Cost of Compliance \$41

TOTAL \$45

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A) and (d)(1)(C)(ii)

Violation Description

Failed to monitor the disinfectant residual throughout the distribution system at least once every seven days using a test kit that employs a diethyl-p-phenylendiamine ("DPD") colorimetric method.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Failure to monitor the disinfectant residual at least once every seven days may lead to inadequate treatment of the drinking water and could expose consumers to significant amounts of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 57 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the date of the investigation, June 22, 2011, to the date of screening, August 18, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$67

Violation Final Penalty Total \$1,014

This violation Final Assessed Penalty (adjusted for limits) \$1,014

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$75	22-Jul-2011	10-Mar-2012	0.64	\$0	\$3	\$3
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to obtain a test kit that measures the free chlorine residual, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$390	22-Jun-2011	18-Aug-2011	0.16	\$3	\$61	\$64
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to monitor the disinfectant residual at least once every seven days, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$465

TOTAL

\$67

Screening Date 18-Aug-2011 **Docket No.** 2011-1505-PWS-E
Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Reg. Ent. Reference No. RN101611390
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

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

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
<input type="text" value="Failure to calibrate the well meter can prevent the operator from making accurate usage and treatment calculations thereby exposing consumers to an insignificant amount of contaminants that would not exceed levels protective of human health."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$31	22-Jun-2008	22-Jun-2011	3.92	\$6	\$31	\$37
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to calibrate the well meter, calculated for the three years prior to the date of the investigation.

Approx. Cost of Compliance \$31

TOTAL \$37

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 17

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

Violation Description Failed to complete customer service inspection ("CSI") reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities. Specifically, at the time of the investigation, it was documented that there is a wastewater treatment facility ("WWTF") serving the store, modular home, recreational vehicles and 11 motel units. A hose bib was located nearby the WWTF and it was unknown if the Facility supplies water to the WWTF due to the lack of a CSI report.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$203

This violation Final Assessed Penalty (adjusted for limits) \$203

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	22-Jun-2011	1-May-2012	0.86	\$8	n/a	\$8

Notes for DELAYED costs

The delayed costs include the estimated amount to implement a CSI program to ensure that all service connections are properly inspected, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$8

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 18

Rule Cite(s) 30 Tex. Admin. Code § 290.45(c)(1)(B)(iv)

Violation Description Failed to provide a pressure tank capacity of at least 10 gallons per unit. Specifically, at the time of the investigation, it was documented that the Facility serves 55 connections and is required to have 550 gallons of pressure tank capacity. However, the Facility currently provides 500 gallons of pressure tank capacity, which is a 9% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Without adequate pressure tank capacity, consumers may be exposed to an insignificant amount of contaminants which do not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 57 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$84

Violation Final Penalty Total \$101

This violation Final Assessed Penalty (adjusted for limits) \$101

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment	\$1,000	22-Jun-2011	1-Sep-2012	1.20	\$4	\$80	\$84
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to provide the Facility with an additional 50 gallons of pressure tank capacity, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$84

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 19

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

Violation Description Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system at all times. Specifically, at the time of the investigation, the distribution system pressure was measured to be 22 psi at the hose bib located on the east side of the store.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to maintain adequate pressure throughout the distribution system at all times may result in backflow or siphonage and expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended, for the day on which the low pressure event was documented.

Good Faith Efforts to Comply

0.0% Reduction \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$84

Violation Final Penalty Total \$203

This violation Final Assessed Penalty (adjusted for limits) \$203

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 19

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	22-Jun-2011	28-Jun-2011	0.02	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to provide proper maintenance on the Facility's pressure equipment to ensure that a minimum distribution system pressure of at least 35 psi is maintained, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$0

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 20

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect routine samples for the months of March 2009, September 2009, February 2010, June 2010 and October 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

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

Adjustment \$750

\$250

Violation Events

Number of Violation Events 5 150 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

Five monthly events are recommended, calculated for the months in which the samples were not collected.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$168

Violation Final Penalty Total \$2,535

This violation Final Assessed Penalty (adjusted for limits) \$2,535

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$125	1-Mar-2009	31-Oct-2010	2.59	\$16	\$125	\$141
Other (as needed)	\$25	1-Jul-2010	31-Jan-2011	1.50	\$2	\$25	\$27

Notes for AVOIDED costs

The one-time avoided costs include the estimated amount necessary to conduct routine monthly monitoring sampling (estimated at \$25 per sample). Other costs include the estimated amount to provide public notice (estimated at \$5 per month), calculated for the months in which routine monitoring sampling and public notification did not occur.

Approx. Cost of Compliance

\$150

TOTAL

\$168

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 21

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B)

Violation Description

Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for a routine distribution coliform sample collected during the months of May 2009, June 2009, July 2009, August 2010, and April 2011 and failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform-positive sample collected during the months of May 2009, June 2009, July 2009, and August 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$750

\$250

Violation Events

Number of Violation Events 5 153 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

Five monthly events are recommended, calculated for the months in which the samples were not collected.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$595

Violation Final Penalty Total \$2,535

This violation Final Assessed Penalty (adjusted for limits) \$2,535

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 21

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	1-May-2009	30-Apr-2011	2.92	\$73	\$500	\$573
Other (as needed)	\$20	31-Aug-2009	30-Nov-2010	2.17	\$2	\$20	\$22

Notes for AVOIDED costs

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

Approx. Cost of Compliance

\$520

TOTAL

\$595

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 22

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(c)(2)(B)

Violation Description Failed to collect at least five distribution coliform samples the months following a total coliform-positive sample result for the months of September 2010 and May 2011 and failed to provide public notice of the failure to collect the samples for the month of September 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failure to collect an adequate number of water samples for coliform analysis may expose the public to a significant amount of undetected contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 Number of violation days 61

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

Violation Base Penalty \$500

Two monthly events are recommended, calculated for the months in which the samples were not collected.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$289

Violation Final Penalty Total \$1,014

This violation Final Assessed Penalty (adjusted for limits) \$1,014

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 22

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$250	1-Sep-2009	31-May-2011	2.66	\$33	\$250	\$283
Other (as needed)	\$5	30-Sep-2009	31-Dec-2009	1.17	\$0	\$5	\$5

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary to collect ten increased monitoring samples (estimated at \$25 per sample) and to provide public notice (\$5 per notice), calculated for the months in which no samples were collected and during the period that a public notice was required.

Approx. Cost of Compliance

\$255

TOTAL

\$289

Screening Date 18-Aug-2011 **Docket No.** 2011-1505-PWS-E
Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Reg. Ent. Reference No. RN101611390
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

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

Violation Number 23
Rule Cite(s) 30 Tex. Admin. Code § 290.106(e)
Violation Description Failed to provide the results of annual nitrate sampling to the Executive Director. Specifically, the Respondent failed to provide nitrate monitoring results for 2009 and 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 730 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$200

Two annual events are recommended for the time period in which sampling results were not provided.

Good Faith Efforts to Comply

0.0% Reduction
 Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$236

Violation Final Penalty Total \$406

This violation Final Assessed Penalty (adjusted for limits) \$406

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 23

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	31-Dec-2009	1-Apr-2012	2.25	\$11	\$225	\$236
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$236

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 24

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

Violation Description Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform and failed to provide public notice for exceeding the MCL for total coliform for the months of June 2009 and July 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes The presence of coliform bacteria is an indication that the water supply is contaminated with a significant amount of contaminants which do not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 61 Number of violation days

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

Violation Base Penalty \$500

Two monthly events are recommended for the months during which the exceedances occurred.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$116

Violation Final Penalty Total \$1,014

This violation Final Assessed Penalty (adjusted for limits) \$1,014

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 24

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	1-Jun-2009	31-Jul-2009	1.08	\$5	\$100	\$105
Other (as needed)	\$10	30-Jun-2009	31-Aug-2009	1.09	\$1	\$10	\$11

Notes for AVOIDED costs

The avoided costs include the estimated amount to investigate and identify the source of contamination and implement procedures to increase chlorination and flushing of the water system, calculated from the date of the first sample collected indicating an exceedance to the date of the last sample collected indicating an exceedance. Estimated cost (\$5 per notice) to provide public notice, calculated for the 30-day period that notice was required.

Approx. Cost of Compliance \$110

TOTAL \$116

Screening Date 18-Aug-2011

Docket No. 2011-1505-PWS-E

PCW

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel

Policy Revision 2 (September 2002)

Case ID No. 42348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611390

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 25

Rule Cite(s) 30 Tex. Admin. Code §§ 290.51(a)(6) and 312.9 and Tex. Water Code § 5.702

Violation Description Failed to pay the Public Health Service fees, Water Quality Assessment fees, and associated late fees for TCEQ Financial Administration Account Nos. 23005957 and 90030042.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

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

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events [] Number of violation days []

- daily []
weekly []
monthly []
quarterly []
semiannual []
annual []
single event []

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

Table with rows: Extraordinary, Ordinary, N/A and columns for Before NOV and NOV to EDPRP/Settlement Offer.

Notes

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

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

Economic Benefit Worksheet

Respondent Gordon Dean Rogers dba Lakeview RV Park & Motel
Case ID No. 42348
Req. Ent. Reference No. RN101611390
Media Public Water Supply
Violation No. 25

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

N/A

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN602768392	Rogers, Gordon Dean	Classification: AVERAGE	Rating: 0.44
Regulated Entity:	RN101611390	Lakeview RV Park & Motel	Classification: AVERAGE	Site Rating: 0.89
ID Number(s):		WASTEWATER	EPA ID	TX0066753
		WASTEWATER	EPA ID	TX0066753
		WASTEWATER	PERMIT	WQ0014693001
		PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		0030042

Location: 5896 SH 147, ANGELINA COUNTY, TX
 TCEQ Region: REGION 10 - BEAUMONT
 Date Compliance History Prepared: August 18, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: August 18, 2006 to August 18, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
 Name: Stephen Thompson Phone: (512) 239-2558

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
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- 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	11/01/2006	(517664)	13	06/30/2011	(936382)
2	10/03/2007	(596383)	14	06/30/2011	(936397)
3	03/25/2009	(738940)	15	06/30/2011	(936398)
4	10/05/2009	(767961)	16	06/30/2011	(936414)
5	12/07/2007	(833217)	17	06/30/2011	(936424)
6	12/07/2007	(833218)	18	06/30/2011	(936433)
7	12/07/2007	(833219)	19	06/30/2011	(936439)
8	12/07/2007	(833220)	20	06/30/2011	(936446)
9	05/05/2011	(913902)	21	06/30/2011	(936456)
10	06/29/2011	(936239)	22	06/30/2011	(936485)
11	06/29/2011	(936244)	23	07/01/2011	(936568)
12	06/30/2011	(936369)	24	08/11/2011	(936930)

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

Date: 11/02/2006 (517664)
 Self Report? NO Classification: Major
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 Description: Failure to obtain permit authorization prior to discharging effluent from the wastewater treatment plant at Lakeview RV Park and Motel.

Date: 03/24/2009 (738940)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 OpR 4 PERMIT
 Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

Date: 05/26/2009 (936244) CN602768392
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: TCR Routine Monitoring Violation 03/2009 - Failure to collect any routine monitoring sample(s).

Date: 06/24/2009 (936382) CN602768392
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
 Description: TCR MCL Violation 06/2009 - System exceeded a Maximum Contaminant Level (MCL) Violation.

Date: 07/14/2009 (936398) CN602768392
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
 Description: TCR Repeat Monitoring Violation 05/2009 - Failure to collect any repeats following a coliform found result.

Date: 07/30/2009 (936446) CN602768392
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: TCR MCL Violation 07/2009 - System exceeded a Maximum Contaminant Level (MCL) Violation.

Date: 08/04/2009 (936382) CN602768392
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 06/2009 - Failure to collect all repeats following a coliform found result.

Date: 09/16/2009 (936446) CN602768392
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 07/2009 - Failure to collect all repeats following a coliform found result.

Date: 11/05/2009 (936456) CN602768392
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 09/2009 - Failure to collect any routine monitoring sample(s).

Date: 03/29/2010 (936369) CN602768392
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 02/2010 - Failure to collect any routine monitoring sample(s).

Date: 05/11/2010 (936485) CN602768392
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: Failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the 2009 annual monitoring period.

Date: 07/23/2010 (936397) CN602768392
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 06/2010 - Failure to collect any routine monitoring sample(s).

Date: 10/25/2010 (936414) CN602768392
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(i)
Description: TCR Repeat Monitoring Violation 08/2010 - Failure to collect all repeats following a coliform found result.

Date: 10/26/2010 (936424) CN602768392
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: TCR Increase Monitoring Violation 09/2010 - Failure to collect any 5 distribution samples following a coliform found month.

Date: 12/07/2010 (936433) CN602768392
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 10/2010 - Failure to collect any routine monitoring sample(s).

Date: 06/03/2011 (936439) CN602768392
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(i)
Description: TCR Repeat Monitoring Violation 04/2011 - Failure to collect all repeats following a coliform found result.

Date: 06/29/2011 (936239) CN602768392
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: Failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the 2010 annual monitoring period.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GORDON DEAN ROGERS D/B/A
LAKEVIEW RV PARK & MOTEL;
RN101611390**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-1505-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Gordon Dean Rogers d/b/a Lakeview RV Park & Motel ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 5896 State Highway 147 in Zavalla, Angelina County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 55 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During an investigation conducted on June 22, 2011, a TCEQ Beaumont Regional Office investigator documented that Respondent:
 - a. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per unit. Specifically, the Facility serves 55 connections and is required to provide a well capacity of 33 gpm. However, the Facility's well production capacity was 10 gpm, which is a 70% deficiency;
 - b. Failed to provide the overflow pipe on the ground storage tank ("GST") with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch. Specifically, the cover on the overflow pipe did not fit tightly and had a gap greater than 1/16 inch;
 - c. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, the inlet pipe on the GST was leaking and the pump used to inject liquid chlorine into the water supply was not working;
 - d. Failed to provide the GST with a liquid level indicator located at the tank site. Specifically, the Facility's GST was not equipped with a liquid level indicator;

- e. Failed to ensure that the point of application for disinfection is prior to entering the GST. Specifically, the injection point for liquid sodium hypochlorite was within the GST on the opposite side of the inlet. Furthermore, because the pump was inoperable at the time of the investigation, bleach was being applied to the stored water through the roof hatch of the GST;
- f. Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, the disinfectant residual was measured to be 0.05 mg/L free chlorine at a hose bib located on the east side of the store. Additionally, during a follow-up visit conducted on June 28, 2011, the disinfectant residual was measured to be 0.02 mg/L free chlorine at the same location;
- g. Failed to keep on file and make available for review an up-to-date record of water works operations and maintenance activities for operator review and reference. Specifically, the following records were not available for review: American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 certification for the sodium hypochlorite used for disinfection, the amount of disinfectant used weekly, the amount of water treated weekly, maintenance records for water system equipment, and microbiological analysis results for the months of June through September 2010;
- h. Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. Specifically, the Facility did not rotate the locations at which routine distribution coliform samples were collected;
- i. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted;
- j. Failed to provide an accurate and up-to-date map of the distribution system;
- k. Failed to maintain an up-to-date chemical and microbiological monitoring plan;
- l. Failed to compile and maintain a thorough plant operations manual for operator review and reference;
- m. Failed to conduct an annual inspection of the GST;
- n. Failed to conduct an annual inspection of the pressure tank;
- o. Failed to monitor the disinfectant residual throughout the distribution system at least once every seven days using a test kit that employs a diethyl-p-phenyldiamine ("DPD") colorimetric method;

- p. Failed to calibrate the well meter at least once every three years;
 - q. Failed to complete customer service inspection ("CSI") reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities. Specifically, there is a wastewater treatment facility ("WWTF") serving the store, modular home, recreational vehicles, and 11 motel units. A hose bib was located near the WWTF and it was unknown if the Facility supplies water to the WWTF due to the lack of a CSI report;
 - r. Failed to provide a pressure tank capacity of at least 10 gallons per unit. Specifically, the Facility serves 55 connections and is required to have 550 gallons of pressure tank capacity. However, the Facility currently provides 500 gallons of pressure tank capacity, which is a 9% deficiency; and
 - s. Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system at all times. Specifically, the distribution system pressure was measured to be 22 psi at the hose bib located on the east side of the store;
3. During a record review conducted on June 27, 2011, a TCEQ Central Office investigator documented that Respondent:
- a. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect routine samples for the months of March 2009, September 2009, February 2010, June 2010, and October 2010;
 - b. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for a routine distribution coliform sample collected during the months of May 2009, June 2009, July 2009, August 2010, and April 2011, and failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform-positive sample collected during the months of May 2009, June 2009, July 2009, and August 2010;
 - c. Failed to collect at least five distribution coliform samples the months following a total coliform-positive sample result for the months of September 2010 and May 2011, and failed to provide public notice of the failure to collect the samples for the month of September 2010;
 - d. Failed to provide the results of annual nitrate sampling to the Executive Director. Specifically, Respondent did not provide nitrate monitoring results for 2009 and 2010; and
 - e. Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform and failed to provide public notice for exceeding the MCL for total coliform for the months of June and July, 2009.

4. During a record review conducted on August 18, 2011, a TCEQ Central Office Enforcement Coordinator documented that Respondent failed to pay the Public Health Service fees, Water Quality Assessment fees, and associated late fees for TCEQ Financial Administration Account Nos. 23005957 and 90030042.
5. Respondent received notice of the violations alleged in Findings of Fact Nos. 2.a. through 2.s. on or about August 16, 2011. Respondent received notice of the violations alleged in Findings of Fact Nos. 3.a. through 3.e. on or about July 6, 2011. Respondent received notice of the violation alleged in Finding of Fact No. 4 on or about March 10, 2012.
6. The Executive Director recognizes that during a follow-up visit on June 28, 2011, Respondent was maintaining a distribution system pressure of at least 35 psi at the Facility (Conclusion of Law No. 20).
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 Gordon Dean Rogers d/b/a Lakeview RV Park & Motel" (the "EDPRP") in the TCEQ Chief Clerk's office on March 6, 2012.
8. By letter dated March 6, 2012, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on March 10, 2012, as evidenced by the signature on the card.
9. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide a well capacity of 0.6 gpm per unit, in violation of 30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide the overflow pipe on the GST 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).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m) and (m)(4).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the GST with a liquid level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).

6. As evidenced by Finding of Fact No. 2.e., Respondent failed to ensure that the point of application for disinfection is prior to entering the GST, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(2).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to keep on file and make available for review an up-to-date record of water works operations and maintenance activities for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(vi) and (f)(3)(D)(i).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
11. As evidenced by Finding of Fact No. 2.j., Respondent failed to provide an accurate and up-to-date map of the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
12. As evidenced by Finding of Fact No. 2.k., Respondent failed to maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
13. As evidenced by Finding of Fact No. 2.l., Respondent failed to compile and maintain a thorough plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
14. As evidenced by Finding of Fact No. 2.m., Respondent failed to conduct an annual inspection of the GST, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
15. As evidenced by Finding of Fact No. 2.n., Respondent failed to conduct an annual inspection of the pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).
16. As evidenced by Finding of Fact No. 2.o., Respondent failed to monitor the disinfectant residual throughout the distribution system at least once every seven days using a test kit that employs a DPD colorimetric method, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A) and (d)(1)(C)(ii).
17. As evidenced by Finding of Fact No. 2.p., Respondent failed to calibrate the well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).

18. As evidenced by Finding of Fact No. 2.q., Respondent failed to complete CSI reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
19. As evidenced by Finding of Fact No. 2.r., Respondent failed to provide a pressure tank capacity of at least 10 gallons per unit, in violation of 30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(iv).
20. As evidenced by Finding of Fact No. 2.s., Respondent failed to maintain a minimum pressure of 35 psi throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(r).
21. As evidenced by Finding of Fact No. 3.a., Respondent failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect routine samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.033(d).
22. As evidenced by Finding of Fact No. 3.b., Respondent failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result for a routine distribution coliform sample, and failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform-positive sample in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B).
23. As evidenced by Finding of Fact No. 3.c., Respondent failed to collect at least five distribution coliform samples the months following a total coliform-positive sample result, and failed to provide public notice of the failure to collect the samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(B).
24. As evidenced by Finding of Fact No. 3.d., Respondent failed to provide the results of annual nitrate sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
25. As evidenced by Finding of Fact No. 3.e., Respondent failed to comply with the MCL for total coliform and failed to provide public notice for exceeding the MCL for total coliform, 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).
26. As evidenced by Finding of Fact No. 4, Respondent failed to pay the Public Health Service fees, Water Quality Assessment fees, and associated late fees for TCEQ Financial Administration Account Nos. 23005957 and 90030042, in violation of 30 TEX. ADMIN. CODE §§ 290.51(a)(6) and 312.9 and TEX. WATER CODE § 5.702.
27. As evidenced by Findings of Fact Nos. 7 and 8, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).

28. As evidenced by Finding of Fact No. 9, Respondent failed to file a timely answer as required TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
29. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
30. An administrative penalty in the amount of thirteen thousand two hundred eighty-two dollars (\$13,282.00) 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.
31. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of thirteen thousand two hundred eighty-two dollars (\$13,282.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Gordon Dean Rogers d/b/a Lakeview RV Park & Motel; Docket No. 2011-1505-PWS-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Order, Respondent shall:
 - i. Begin operating the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110 (Conclusion of Law No. 7);
 - ii. Begin monitoring the disinfectant residual throughout the distribution system at least once every seven days using a test kit that employs a DPD colorimetric method, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 16);

- iii. Ensure that routine distribution coliform samples are collected at active service connections which are representative of water quality throughout the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.109 (Conclusion of Law No. 9); and
 - iv. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109 (Conclusions of Law Nos. 21, 22, 23, and 25). This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
- b. Within 30 days after the effective date of this Order, Respondent shall:
- i. Submit written certification in accordance with Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.iii.;
 - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusions of Law Nos. 21, 22, 23, and 25);
 - iii. Institute 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 leaking GST inlet pipe and the liquid chlorine pump, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 4);
 - iv. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE § 290.106 (Inorganic Contaminants) (Conclusion of Law No. 24);
 - v. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE § 290.106 (Inorganic Contaminants) (Conclusion of Law No. 24); and
 - vi. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account Nos. 23005957 and 90030042 (Conclusion of Law No. 26). The payments shall be sent with the notation "Re: Gordon Dean Rogers d/b/a Lakeview RV Park & Motel" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
- c. Within 45 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provisions Nos. 3.b.ii. through 3.b.vi.

- d. Within 60 days after the effective date of this Order, Respondent shall:
- i. Provide the overflow pipe on the GST with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Conclusion of Law No. 3);
 - ii. Provide the GST with a liquid level indicator located at the tank site, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Conclusion of Law No. 5);
 - iii. Relocate the point of application for the liquid sodium hypochlorite to a position prior to the entrance of the GST, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 6);
 - iv. Begin maintaining a record of water works operations and maintenance activities for operator review and reference, including but not limited to ensuring that the following records are available for review: ANSI/NSF Standard 60 certification for the sodium hypochlorite used for disinfection, the amount of disinfectant used weekly, the amount of water treated weekly, maintenance records for water system equipment, and monthly microbiological analysis results, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 8);
 - v. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 10);
 - vi. 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. 11);
 - vii. Provide an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121 (Conclusion of Law No. 12);
 - viii. Compile and maintain a thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 13);
 - ix. Conduct an inspection of the GST, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 14);
 - x. Conduct an inspection of the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 15);
 - xi. Calibrate the Facility's well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 17); and
 - xii. Conduct a CSI at the WWTF to ensure that no cross-connections or other potential contamination hazards exist and implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that CSI reports are completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 18).
- e. Within 75 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provisions Nos. 3.d.i. through 3.d.xii.

- f. Within 180 days after the effective date of this Order, Respondent shall:
 - i. Provide a well capacity of 0.6 gpm per unit, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 2); and
 - ii. Provide a pressure tank capacity of at least 10 gallons per unit, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 19).
- g. Within 195 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.iv., 3.f.i. and 3.f.ii.
- h. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, 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."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Elston Johnson, Public Drinking Water Program, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF XAVIER GUERRA

STATE OF TEXAS

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COUNTY OF BEXAR

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Gordon Dean Rogers d/b/a Lakeview RV Park & Motel" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on March 6, 2012.

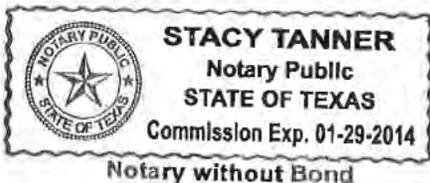
The EDPRP was mailed to Respondent's last known address on March 6, 2012, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on March 10, 2012, as evidenced by the signature on the card.

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

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

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

Given under my hand and seal of office this 15th day of May, A.D. 2012.



Notary Signature