

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47625
Lake Corpus Christi RV Park & Marina, L.L.C.
RN101254266
Docket No. 2013-1742-PWS-E

Order Type:

Default Order

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

250 Boat Ramp Road, Sandia, Live Oak County

Type of Operation:

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: March 28, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,112

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$1,112

Compliance History Classifications:

Person/CN –Unclassified
Site/RN – Not Applicable

Major Source: No

Statutory Limit Adjustment: \$37 upward adjustment

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: August 6 and 19, 2013;

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

Date(s) of NOE(s): August 30, 2013

Violation Information

1. Failed to provide disinfection facilities for the groundwater supply to ensure microbiological control and distribution protection, [30 TEX. ADMIN. CODE § 290.42(b)(1), (e)(2) and (e)(3)].
2. Failed to maintain and provide Facility records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE §§ 290.46(f)(2) and (f)(3)(B)(iii), and 290.110(e)(4)(B)].
3. Failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 mg/L using amperometric titration, DPD ferrous titration or DPD colorimetric [30 TEX. ADMIN. CODE § 290.110(d)(1)].
4. Failed to provide a pressure tank capacity of 10 gallons per unit with a minimum of 220 gallons [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(ii).]
5. Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity [TEX. HEALTH & SAFETY CODE § 341.0351 and 30 TEX. ADMIN. CODE § 290.39(j)(1)(A)].
6. Failed to provide an intruder-resistant fence or a locked and ventilated well house to protect the Facility's well and pressure tanks [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e)].
7. Failed to meet the well capacity requirement of 1.0 gpm per unit TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(i)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 10 days, install and begin operating disinfection facilities to continuously maintain an adequate disinfectant residual throughout the distribution system for the purpose of microbiological control and distribution protection.
2. Within 30 days:
 - a. Begin maintaining properly completed monthly water works operation and maintenance records, including but not limited to: maintaining the disinfectant residual monitoring results from the distribution system and maintaining the DLQORs; and
 - b. Provide written notification to the commission for all modifications that have been made to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities, including the pressure tank replacement.
3. Within 60 days, begin using a chlorine residual test kit that measures the free chlorine level in the water system using an approved method to a minimum accuracy of plus or minus 0.1 mg/L.
4. Within 90 days, enclose the well and the pressure tanks with an intruder-resistant fence or a locked and ventilated well house.
5. Within 180 days:
 - a. Provide a pressure tank capacity of 10 gallons per unit with a minimum of 220 gallons; and
 - b. Provide well capacities of 1.0 gpm per unit at the Facility.
6. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirements Nos. 1 and 2;
 - b. Within 75 days for Technical Requirement No. 3;
 - c. Within 105 days for Technical Requirement No. 4; and
 - d. Within 195 days for Technical Requirement No. 5.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47625
Lake Corpus Christi RV Park & Marina, L.L.C.
RN101254266
Docket No. 2013-1742-PWS-E

Litigation Information

Date Petition(s) Filed: November 22, 2013
Date Green Card(s) Signed: November 29, 2013
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Tammy Mitchell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Eli Martinez, Public Interest Counsel, (512) 239-6363

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

TCEQ Regional Contact: Kelly Ruble, Corpus Christi Regional Office, (361) 825-3100

Respondent: Kelli Sullivan, Director, Lake Corpus Christi RV Park & Marina, L.L.C., 250 Boat Ramp Road, Sandia, Texas 78383

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	3-Sep-2013	Screening	4-Sep-2013	EPA Due	
	PCW	12-Sep-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	Lake Corpus Christi RV Park & Marina, L.L.C.
Reg. Ent. Ref. No.	RN101254266
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	47625	No. of Violations	7
Docket No.	2013-1742-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$860
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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	25.0% Enhancement Subtotals 2, 3, & 7	\$215

Notes	Enhancement for one adjudicated final enforcement order.
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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	\$1,356	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$18,465	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,075
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$1,075
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,112
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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	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$1,112
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Screening Date 4-Sep-2013

Docket No. 2013-1742-PWS-E

PCW

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47625

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one adjudicated final enforcement order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 25%

Screening Date 4-Sep-2013

Docket No. 2013-1742-PWS-E

PCW

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47625

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.42(b)(1), (e)(2), and (e)(3)

Violation Description

Failed to provide disinfection facilities for the groundwater supply to ensure microbiological control and distribution protection. Specifically, the Facility did not have any disinfection facilities to disinfect the groundwater supplied from the water well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Without disinfection facilities, there is no method to ensure microbiological control and proper disinfection of the water exposing customers of the Facility to contaminants, which would exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

29 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

One monthly event is recommended from the date of the investigation, August 6, 2013, to the date of screening, September 4, 2013.

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

Economic Benefit Worksheet

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.
Case ID No. 47625
Reg. Ent. Reference No. RN101254266
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$800	6-Aug-2013	10-Apr-2014	0.68	\$2	\$36	\$38
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to provide disinfection facilities for microbiological control and distribution protection, calculated from the date of the investigation the violation was initially documented 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 \$800

TOTAL \$38

Screening Date 4-Sep-2013

Docket No. 2013-1742-PWS-E

PCW

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47625

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§290.46(f)(2) and (f)(3)(B)(iii), and 290.110(e)(4)(B)

Violation Description

Failed to maintain and provide Facility records to Commission personnel at the time of the investigation. Specifically, the disinfectant residual monitoring results from the distribution system were not available for review. In addition, the Disinfectant Level Quarterly Operating Reports were not filled out or maintained.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

At least 70% of the rule requirements were met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

29 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0% 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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$13

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.
Case ID No. 47625
Reg. Ent. Reference No. RN101254266
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$90	6-Aug-2013	1-May-2014	0.73	\$3	n/a	\$3
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 properly develop a record keeping system to maintain Facility records (\$45 x 2 record), calculated from the date of the investigation the violation was initially documented 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 \$90

TOTAL \$3

Screening Date 4-Sep-2013

Docket No. 2013-1742-PWS-E

PCW

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47625

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.110(d)(1)

Violation Description

Failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L") using amperometric titration, N,N-diethyl-p-phenylenediamine ("DPD") Ferrous titration or DPD colorimetric. Specifically, a swimming pool test kit was used to measure the free chlorine residual which is not an approved method.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to have a proper chlorine residual test kit prevents the Facility from accurately measuring the disinfectant chlorine residual, which could result in customers of the water supply being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

29 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

One monthly event is recommended from the date of the investigation, August 6, 2013, to the date of screening, September 4, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

Economic Benefit Worksheet

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.
Case ID No. 47625
Reg. Ent. Reference No. RN101254266
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$75	6-Aug-2013	1-Jun-2014	0.82	\$0	\$4	\$4
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 to an accuracy of plus or minus 0.1 mg/l, calculated from the date of the investigation the violation was initially documented 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 \$75

TOTAL \$4

Screening Date 4-Sep-2013

Docket No. 2013-1742-PWS-E

PCW

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47625

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

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

Violation Description Failed to provide a pressure tank capacity of 10 gallons per unit with a minimum of 220 gallons. Specifically, the Respondent must provide a pressure tank capacity of 10 gallons per 35 accommodation units for a total of 350 gallons. However, the Respondent is equipped with two 85 gallon pressure tanks for a total of 170 gallons, which is an 51% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide adequate pressure tank capacity may cause low pressure problems or outages and could expose customers of the Facility to contaminants that would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

29 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

One monthly event is recommended from the date of the investigation, August 6, 2013, to the date of screening, September 4, 2013.

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$161

Violation Final Penalty Total \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

Economic Benefit Worksheet

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.
Case ID No. 47625
Reg. Ent. Reference No. RN101254266
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	6-Aug-2013	1-Oct-2014	1.15	\$8	\$154	\$161
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to provide a pressure tank capacity of 10 gallons per unit with a minimum of 220 gallons, calculated from the date of the investigation the violation was initially documented to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	TOTAL	\$161
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Screening Date 4-Sep-2013

Docket No. 2013-1742-PWS-E

PCW

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47625

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.39(j)(1)(A) and Tex. Health & Safety Code § 341.0351

Violation Description

Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity. Specifically, the Facility recently replaced the 400 gallon pressure tank with the two 85 gallon bladder-type pressure tanks without notifying the Commission.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

29 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 \$26

Violation Final Penalty Total \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

Economic Benefit Worksheet

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.
Case ID No. 47625
Reg. Ent. Reference No. RN101254266
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)	\$500	6-Aug-2013	1-May-2014	0.73	\$1	\$24	\$26
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 notify the Commission of the Facility's changes, calculated from the date of the investigation the violation was initially documented to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$26

Screening Date 4-Sep-2013

Docket No. 2013-1742-PWS-E

PCW

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47625

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code §§ 290.41(c)(3)(O) and 290.43(e)

Violation Description

Failed to provide an intruder-resistant fence or a locked and ventilated well house to protect the Facility's well and pressure tanks. Specifically, there was no fencing or building providing security around the well or the pressure tanks.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide an intruder-resistant fence or a lockable well house may not protect the well from vandalism which may expose customers of the Facility to contaminants which would not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2

29 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$300

Two monthly events are recommended (one event each for the well and pressure tanks) from the date of the investigation, August 6, 2013, to the date of screening, September 4, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$315

Violation Final Penalty Total \$375

This violation Final Assessed Penalty (adjusted for limits) \$375

Economic Benefit Worksheet

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.
Case ID No. 47625
Reg. Ent. Reference No. RN101254266
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)	\$5,000	6-Aug-2013	1-Jul-2014	0.90	\$15	\$300	\$315
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 necessary to provide a lockable wellhouse or an intruder-resistant fences around the well and pressure tanks, calculated from the date of the investigation the violation was intially documented 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 \$315

Screening Date 4-Sep-2013

Docket No. 2013-1742-PWS-E

PCW

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47625

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

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

Violation Description Failed to meet the well capacity requirement of 1.0 gallon per minute ("gpm") per unit. Specifically, Well No. 1 is rated to pump 18 gpm and the system requires 35 gpm, which is a 49% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to provide adequate well capacity could cause customers to be exposed to low pressures and outages allowing a significant amount of contaminants to enter the water, which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 29 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$50

One quarterly event is recommended from the date of the investigation, August 6, 2013, to the date of screening, September 4, 2013.

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 \$807

Violation Final Penalty Total \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

Economic Benefit Worksheet

Respondent Lake Corpus Christi RV Park & Marina, L.L.C.
Case ID No. 47625
Reg. Ent. Reference No. RN101254266
Media Violation No. Public Water Supply
 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)	\$10,000	6-Aug-2013	1-Oct-2014	1.15	\$38	\$769	\$807
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the estimated amount to provide adequate well capacity, calculated from the date of the investigation the violation was initially documented 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	\$10,000	TOTAL	\$807
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The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN603396219, RN101254266, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN603396219, Lake Corpus Christi RV Park & Marina, L.L.C. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN101254266, LAKE CORPUS CHRISTI RV PARK & MARINA **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 250 BOAT RAMP RD, LIVE OAK COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1490006

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: September 12, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 12, 2008 to September 12, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Epi Villarreal

Phone: (361) 825-3425

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 10/22/2011 ADMINORDER 2010-0737-PWS-E (Findings Order-After Hearing/Trial)

Classification: Moderate

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

Description: TCR Routine Monitoring Violation 11/2008 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 11/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

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

Description: TCR Routine Monitoring Violation 08/2009 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 08/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

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

Description: TCR Routine Monitoring Violation 04/2009 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 04/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

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

Description: TCR Routine Monitoring Violation 06/2009 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 06/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 September 01, 2010 (846043)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

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
LAKE CORPUS CHRISTI RV
PARK & MARINA, L.L.C.;
RN101254266**

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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2013-1742-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Lake Corpus Christi RV Park & Marina, L.L.C. ("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 250 Boat Ramp Road in Sandia, Live Oak County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 35 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 investigations conducted on August 6 and 19, 2013, a TCEQ Corpus Christi Regional Office investigator documented that Respondent:
 - a. Failed to provide disinfection facilities for the groundwater supply to ensure microbiological control and distribution protection. Specifically, the Facility did not have any disinfection facilities to disinfect the groundwater supplied from the water well;
 - b. Failed to maintain and provide Facility records to Commission personnel at the time of the investigation. Specifically, the disinfectant residual monitoring results from the distribution system were not available for review, and the Disinfectant Level Quarterly Operating Reports ("DLQORs") were not filled out or maintained;
 - c. Failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L") using amperometric titration, N,N-diethyl-p-phenylenediamine ("DPD") ferrous titration or DPD colorimetric. Specifically, a swimming pool test kit was used to measure the free chlorine residual which is not an approved method;
 - d. Failed to provide a pressure tank capacity of 10 gallons per unit with a minimum of 220 gallons. Specifically, Respondent must provide a pressure tank capacity of 10 gallons per 35 accommodation units for a total of 350 gallons, but has two 85-gallon pressure tanks for a total of 170 gallons, which is a 51% deficiency;

- e. Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity. Specifically, Respondent replaced a 400-gallon pressure tank with two 85-gallon bladder-type pressure tanks without notifying the Commission;
 - f. Failed to provide an intruder-resistant fence or a locked and ventilated well house to protect the Facility's well and pressure tanks. Specifically, there was no fencing or building providing security around the well or the pressure tanks; and
 - g. Failed to meet the well capacity requirement of 1.0 gallon per minute ("gpm") per unit. Specifically, Well No. 1 is rated to pump 18 gpm and the system requires 35 gpm, which is a 49% deficiency.
3. Respondent received notice of the violations on or about September 4, 2013.
 4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Lake Corpus Christi RV Park & Marina, L.L.C." (the "EDPRP") in the TCEQ Chief Clerk's office on November 22, 2013.
 5. By letter dated November 22, 2013, sent to Respondent's last known address via certified mail, return receipt requested, 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 November 29, 2013, as evidenced by the signature on the card.
 6. 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. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide disinfection facilities for the groundwater supply to ensure microbiological control and distribution protection, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1), (e)(2) and (e)(3).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain and provide Facility records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(2) and (f)(3)(B)(iii), and 290.110(e)(4)(B).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 mg/L using amperometric titration, DPD ferrous titration or DPD colorimetric, in violation of 30 TEX. ADMIN. CODE § 290.110(d)(1).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide a pressure tank capacity of 10 gallons per unit with a minimum of 220 gallons, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(ii).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to notify the Commission prior to making any significant change or addition where the change in the existing

distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity, in violation of TEX. HEALTH & SAFETY CODE § 341.0351 and 30 TEX. ADMIN. CODE § 290.39(j)(1)(A).

7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide an intruder-resistant fence or a locked and ventilated well house to protect the Facility's well and pressure tanks, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to meet the well capacity requirement of 1.0 gpm per unit, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(i).
9. As evidenced by Findings of Fact Nos. 4 and 5, 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(b)(1).
10. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
11. 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 TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of one thousand one hundred twelve dollars (\$1,112.00) 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.
13. 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 one thousand one hundred twelve dollars (\$1,112.00) 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: Lake Corpus Christi RV Park & Marina, L.L.C.; Docket No. 2013-1742-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 install and begin operating disinfection facilities to continuously maintain an adequate disinfectant residual throughout the distribution system for the purpose of microbiological control and distribution protection, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 2).
 - b. Within 30 days after the effective date of this Order, Respondent shall:
 - i. Begin maintaining properly completed monthly water works operation and maintenance records, including but not limited to: maintaining the disinfectant residual monitoring results from the distribution system and maintaining the DLQORs, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110 (Conclusion of Law No. 3); and
 - ii. Provide written notification to the commission for all modifications that have been made to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities, including the pressure tank replacement, in accordance with 30 TEX. ADMIN. CODE § 290.39 (Conclusion of Law No. 6). The notification shall be submitted to:

Utility Technical Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - c. Within 45 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.j., below, to demonstrate compliance with Ordering Provisions Nos. 3.a., 3.b.i., and 3.b.ii.
 - d. Within 60 days after the effective date of this Order, Respondent shall begin using a chlorine residual test kit that measures the free chlorine level in the water system using an approved method to a minimum accuracy of plus or minus 0.1 mg/L, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 4).
 - e. Within 75 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.j., below, to demonstrate compliance with Ordering Provision No. 3.d.
 - f. Within 90 days after the effective date of this Order, Respondent shall enclose the well and the pressure tanks with an intruder-resistant fence or a locked and ventilated well house, in accordance with 30 TEX. ADMIN. CODE § 290.41 (Conclusion of Law No. 7).
 - g. Within 105 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.j., below, to demonstrate compliance with Ordering Provision No. 3.f.
 - h. Within 180 days after the effective date of this Order, Respondent shall:
 - i. Provide a pressure tank capacity of 10 gallons per unit with a minimum of 220 gallons, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 5); and

- ii. Provide well capacities of 1.0 gpm per unit at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 8).
- i. Within 195 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.j., below, to demonstrate compliance with Ordering Provisions Nos. 3.h.i. and 3.h.ii.
- j. 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:

Kelly Ruble, Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
NRC Building, Suite 1200
6300 Ocean Drive, Unit 5839
Corpus Christi, Texas 78412-5839

and:

Bob Patton, Jr., Section Manager
Public Drinking Water Section, 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

