

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49706  
Charles M. Watts d/b/a Island View Landing  
RN101239606  
Docket No. 2014-1754-PWS-E

**Order Type:**

Default Order (SOAH preliminary hearing)

**Media:**

Public Water System (PWS)

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

1099 Lindsey Road near Jefferson, Marion 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:** June 19, 2015

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$1,737

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$1,737

**Compliance History Classifications:**

Person/CN –Unclassified  
Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2002 (PCW 1); April 2014 (PCW 2)

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** October 20 - 31, 2014  
**Date(s) of NOV(s):** See Compliance History – 7 related NOVs  
**Date(s) of NOE(s):** October 31, 2014

**Violation Information**

1. Failed to collect secondary constituents samples and provide the results to the Executive Director [30 TEX. ADMIN. CODE §§ 290.118(c)(1) and (e)].
2. Failed to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result [30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii)].
3. Failed to provide public notifications and submit copies of the notifications to the Executive Director [30 TEX. ADMIN. CODE §§ 290.122(b)(2)(B), (c)(2)(A), and (f)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Begin complying with applicable coliform monitoring requirements by collecting the required number of repeat distribution coliform samples and by providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
  - b. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and copies of the notifications are submitted to the Executive Director;
  - c. Provide public notifications and submit copies of the notifications to the Executive Director for the following:
    - i. The failure to collect at least five routine distribution coliform samples the month following a total coliform-positive result for the months of August 2013 and May 2014;
    - ii. The failure to comply with the maximum contaminant level for total coliform during the month of April 2014;
    - iii. The failure to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of July 2013;
    - iv. The failure to report the results of quarterly nitrate monitoring for the second quarter of 2013; and
    - v. The failure to conduct repeat distribution total coliform monitoring for the month of July 2013.
  - d. Submit all delinquent drinking water chemical analysis results to the Executive Director, or demonstrate that a payment schedule for release of the results has been established with the testing laboratory; and
  - e. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that the results of any future drinking water chemical test, measurement, or analysis are released by the Facility's laboratories and reported to the Executive Director within ten days following the Facility's receipt of the results of such test, measurement, or analysis.

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49706**  
**Charles M. Watts d/b/a Island View Landing**  
**RN101239606**  
**Docket No. 2014-1754-PWS-E**

2. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1.b. through 1.e.
3. Within 225 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.a.

**Litigation Information**

**Date Petition(s) Filed:** January 29, 2015  
**Date Green Card(s) Signed:** February 3, 2015  
**Date Answer(s) Filed:** February 11, 2015  
**SOAH Referral Date:** March 23, 2015  
**Hearing Date(s):**  
Preliminary hearing: April 30, 2015 (defaulted)

**Contact Information**

**TCEQ Attorneys:** Elizabeth Carroll Harkrider, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Rudy Calderon, Public Interest Counsel, (512) 239-6363  
**TCEQ Enforcement Coordinator:** Jim Fisher, Enforcement Division, (512) 239-2537  
**TCEQ Regional Contact:** Gary Chauvin, Tyler Regional Office, (903) 535-5100  
**Respondent Contact:** Charles M. Watts, 1099 Lindsey Road, Jefferson, Texas 75657-3481  
**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Nov-2014	<b>Screening</b>	20-Nov-2014	<b>EPA Due</b>	31-Dec-2014
	<b>PCW</b>	25-Nov-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Charles M. Watts dba Island View Landing
<b>Reg. Ent. Ref. No.</b>	RN101239606
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	49706	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-1754-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jim Fisher
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

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

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

<b>Compliance History</b>	60.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$150
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Notes: Enhancement for seven NOV's with the same/similar violations and one default order.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$125  
 Estimated Cost of Compliance: \$202  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$400
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	30.5%	<b>Adjustment</b>	\$122
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost associated with Violation No. 1.

<b>Final Penalty Amount</b>	\$522
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$522
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$522
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Screening Date 20-Nov-2014

Docket No. 2014-1754-PWS-E

PCW

Respondent Charles M. Watts dba Island View Landing

Policy Revision 2 (September 2002)

Case ID No. 49706

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101239606

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

## Compliance History Worksheet

## &gt;&gt; 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> )	7	35%
	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 judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for seven NOVs with the same/similar violations and one default order.

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

<b>Screening Date</b>	20-Nov-2014	<b>Docket No.</b>	2014-1754-PWS-E	<b>PCW</b>
<b>Respondent</b>	Charles M. Watts dba Island View Landing			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	49706			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101239606			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Jim Fisher			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.118(c)(1) and (e)

**Violation Description**

Failed to collect secondary constituents samples and provide the results to the Executive Director for the January 1, 2008 through December 31, 2010 monitoring period.

**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" value="x"/>	<input type="text"/>	<input type="text"/>

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**Matrix Notes**

Failure to collect secondary constituents samples could expose customers of the Facility to undetected contaminants which would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

**Reduction**

Before NOV    NOV to EDPRP/Settlement Offer

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

**Notes**

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Charles M. Watts dba Island View Landing  
**Case ID No.** 49706  
**Reg. Ent. Reference No.** RN101239606  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				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	\$100	20-Oct-2014	30-Jun-2015	0.69	\$3	n/a	\$3
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 training costs include the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are collected, analyzed by the Facility's laboratories, and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$102	1-Jan-2008	31-Dec-2010	3.92	\$20	\$102	\$122
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed chemical analysis samples (\$102.03 per sample for secondary constituents), calculated for the time frame sampling was required.

Approx. Cost of Compliance

\$202
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**TOTAL**

\$125
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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Nov-2014	<b>Screening</b>	20-Nov-2014	<b>EPA Due</b>	31-Dec-2014
	<b>PCW</b>	25-Nov-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Charles M. Watts dba Island View Landing
<b>Reg. Ent. Ref. No.</b>	RN101239606
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	49706	<b>No. of Violations</b>	3
<b>Docket No.</b>	2014-1754-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jim Fisher
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$600
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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.

<b>Compliance History</b>	60.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$360
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Notes: Enhancement for seven NOV's with the same/similar violations and one default order.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$259  
 Estimated Cost of Compliance: #NAME?  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$960
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	26.6%	<b>Adjustment</b>	\$255
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs associated with Violation Nos. 1, 2 and 3.

<b>Final Penalty Amount</b>	\$1,215
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,215
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$1,215
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Screening Date 20-Nov-2014 Docket No. 2014-1754-PWS-E

PCW

Respondent Charles M. Watts dba Island View Landing

Policy Revision 4 (April 2014)

Case ID No. 49706

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101239606

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

## Compliance History Worksheet

## &gt;&gt; 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> )	7	35%
	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 judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for seven NOVs with the same/similar violations and one default order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 60%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 60%

<b>Screening Date</b>	20-Nov-2014	<b>Docket No.</b>	2014-1754-PWS-E	<b>PCW</b>
<b>Respondent</b>	Charles M. Watts dba Island View Landing			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	49706			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101239606			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Jim Fisher			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(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** Charles M. Watts dba Island View Landing  
**Case ID No.** 49706  
**Reg. Ent. Reference No.** RN101239606  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

The cost to implement improvements to the Facility's process procedures to ensure that future drinking water chemical samples are collected and analyzed and the results are reported to the Executive Director is captured in the economic benefit worksheet for Violation No 1 of the Revision 2 PCW.

### 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]	\$102	1-Jan-2011	31-Dec-2013	3.92	\$20	\$102	\$122
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed chemical analysis samples (\$102.03 per sample for secondary constituents), calculated for the time frame sampling was required.

Approx. Cost of Compliance \$102

**TOTAL** \$122

<b>Screening Date</b>	20-Nov-2014	<b>Docket No.</b>	2014-1754-PWS-E	<b>PCW</b>
<b>Respondent</b>	Charles M. Watts dba Island View Landing			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	49706			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101239606			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Jim Fisher			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(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** Charles M. Watts dba Island View Landing  
**Case ID No.** 49706  
**Reg. Ent. Reference No.** RN101239606  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				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	14-Aug-2014	15-Aug-2014	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount to collect all required repeat samples (\$25 per sample x four missed samples), calculated for the 24-hour period after the coliform-positive result.

Approx. Cost of Compliance

\$100

**TOTAL**

\$100

<b>Screening Date</b>	20-Nov-2014	<b>Docket No.</b>	2014-1754-PWS-E	<b>PCW</b>
<b>Respondent</b>	Charles M. Watts dba Island View Landing			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	49706			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101239606			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Jim Fisher			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to provide public notifications and submit a copy of the notifications to the Executive Director regarding the failure to collect at least five routine distribution coliform samples the month following a total coliform-positive result for the months of August 2013 and May 2014, regarding the failure to comply with the maximum contaminant level for total coliform during the month of April 2014, regarding the failure to collect one raw groundwater source Escherichia coli sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of July 2013, regarding the failure to conduct repeat coliform monitoring for the month of July 2013, and regarding the failure to report the results of quarterly nitrate monitoring for the second quarter of 2013.

**Base Penalty**

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5.0%"/>

**Matrix Notes**

100% of the rule requirement was not met.

**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**

Six single events are recommended.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/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**

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

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Charles M. Watts dba Island View Landing  
**Case ID No.** 49706  
**Reg. Ent. Reference No.** RN101239606  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$100	20-Oct-2014	30-Jun-2015	0.69	\$3	n/a	\$3
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 training/sampling delayed cost includes the estimated amount to implement procedures to ensure that all public notifications are provided, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$30	11-Jul-2013	31-Aug-2014	2.06	\$3	\$30	\$33
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs** The one time avoided cost includes the estimated amount to post public notification (\$5 per notification x six notifications), calculated for the period when public notifications were required.

<b>Approx. Cost of Compliance</b>	\$130	<b>TOTAL</b>	\$37
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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

**PUBLISHED** Compliance History Report for CN600677322, RN101239606, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent:** CN600677322, Charles M. Watts      **Classification:** UNCLASSIFIED      **Rating:** -----  
**Regulated Entity:** RN101239606, ISLAND VIEW LANDING      **Classification:** NOT APPLICABLE      **Rating:** N/A  
**Complexity Points:** N/A      **Repeat Violator:** N/A  
**CH Group:** 14 - OTHER  
**Location:** 1099 LINDSEY ROAD NEAR JEFFERSON, MARION COUNTY, TEXAS  
**TCEQ Region:** REGION 05 - TYLER  
**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1580010  
**Compliance History Period:** September 01, 2009 to August 31, 2014      **Rating Year:** 2014      **Rating Date:** 09/01/2014  
**Date Compliance History Report Prepared:** November 20, 2014  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** November 20, 2009 to November 20, 2014

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

**Name:** Jim Fisher      **Phone:** (512) 239-2537

## 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: 03/06/2014      ADMINORDER 2013-0486-PWS-E (Findings Order-Default)**

**Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.44(d)  
30 TAC Chapter 290, SubChapter D 290.46(r)  
**Description:** Failure to provide a minimum pressure of 35 psi throughout the distribution system. The system shall also be operated to maintain a minimum pressure of 20 psi during emergency conditions.  
**Classification:** Major  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(q)(1)  
30 TAC Chapter 290, SubChapter D 290.46(q)(2)  
**Description:** Failure to comply with the special precautions flowchart in the event of a loss of pressure below 20 psi.

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1 February 14, 2014 (1146323)

### **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.

#### **1 Date: 11/20/2013      (1204786)      CN600677322**

**Self Report?** NO      **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
**Description:** JUL/2013 TCR Repeat MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code § 290.122 during the time period that public notice was required for failing to conduct repeat coliform monitoring for the month of 07/2013.

#### **2 Date: 12/18/2013      (1204786)      CN600677322**

**Self Report?** NO      **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
**Description:** AUG/2013 TCR Increase MR PN Posting and Reporting Violation - Failure to submit signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code § 290.122 during the time period that public notice was required for failing to conduct increase coliform monitoring for the month of 08/2013.

- 3 Date: 01/09/2014 (1204786) CN600677322**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: JUL/2013 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code § 290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 07/2013.
- 4 Date: 03/17/2014 (1204786) CN600677322**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: NO3 MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the quarterly monitoring period from 04/01/2013 to 06/30/2013.
- 5 Date: 08/26/2014 (1204786) CN600677322**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: APR/2014 TCR MCL PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a maximum contaminant level violation during the month of 04/2014.
- 6 Date: 09/22/2014 (1204786) CN600677322**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: MAY/2014 TCR Increase MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the ED certifying public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct increase coliform monitoring for the month of 05/2014.
- 7 Date: 10/17/2014 (1204786) CN600677322**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)  
 30 TAC Chapter 290, SubChapter F 290.109(e)  
 Description: TCR Repeat MR Violation 08/2014 - Failure to collect and/or submit all repeats following a coliform found result within the required timeline.

**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  
CHARLES M. WATTS DBA  
ISLAND VIEW LANDING;  
RN101239606**

**§  
§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2014-1754-PWS-E**

On \_\_\_\_\_, 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 Charles M. Watts d/b/a Island View Landing ("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 1099 Lindsey Road near Jefferson, Marion County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 20 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 a record review conducted October 20 through October 31, 2014, an investigator documented that Respondent:
  - a. Failed to collect secondary constituents samples and provide the results to the Executive Director for the January 1, 2008 through December 31, 2010 and January 1, 2011 through December 31, 2013 monitoring periods;
  - b. Failed to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample collected in August 2014; and
  - c. Failed to provide public notifications and submit a copy of the notifications to the Executive Director regarding: the failure to collect at least five routine distribution coliform samples the month following a total coliform-positive result for the months of August 2013 and May 2014, the failure to comply with the maximum contaminant level for total coliform during the month of April 2014, the failure to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of July 2013, the failure to conduct repeat coliform monitoring for the month of July 2013, and the failure to report the results of quarterly nitrate monitoring for the second quarter of 2013.

3. 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 Charles M. Watts d/b/a Island View Landing" (the "EDPRP") in the TCEQ Chief Clerk's office on January 29, 2015.
4. Respondent filed an answer requesting a hearing on February 11, 2015, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on March 23, 2015.
5. On April 1, 2015, the TCEQ Chief Clerk mailed notice of the April 30, 2015 preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.
6. On April 30, 2015, the Administrative Law Judge ("ALJ") convened the preliminary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be dismissed from the SOAH Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.
7. On May 18, 2015, the ALJ entered a finding that Respondent was served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 1 so that TCEQ may dispose of this case on a default basis.

#### **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 collect secondary constituents samples and provide the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.118(c)(1) and (e).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide public notifications and submit a copy of the notifications to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.122(b)(2)(B), (c)(2)(A), and (f).
5. As evidenced by Finding of Fact No. 4, Respondent filed an answer requesting a hearing as required by TEX. HEALTH & SAFETY CODE § 341.049(e) and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to TEX. HEALTH & SAFETY CODE § 341.049(g), 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(b) and 30 TEX. ADMIN. CODE § 70.109.
6. As evidenced by Finding of Fact No. 5, Respondent was provided proper notice of the preliminary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. HEALTH & SAFETY CODE § 341.049(g), 1 TEX. ADMIN. CODE §§ 155.103(a) and (c)(3), 155.401 and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.23, 39.25, 39.405, 39.413, 39.423, 39.425 and 80.6.
7. As evidenced by Findings of Fact Nos. 6 and 7, Respondent failed to appear for the preliminary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4) and 1 TEX. ADMIN. CODE § 155.501(d), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the

penalty recommended by the Executive Director pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106(b).

8. 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.
9. An administrative penalty in the amount of one thousand seven hundred thirty-seven dollars (\$1,737.00) 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(b).
10. 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 seven hundred thirty-seven dollars (\$1,737.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only 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 violations which are not raised here.
2. The 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 TCEQ and shall be sent with the notation "Re: Charles M. Watts d/b/a Island View Landing; Docket No. 2014-1754-PWS-E" to:

Financial Administration Division, Revenue Operations 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 30 days after the effective date of this Order:
    - i. Begin complying with applicable coliform monitoring requirements by collecting the required number of repeat distribution coliform samples and by providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
    - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and copies of the notifications are submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122.
    - iii. Provide public notifications and submit copies of the notifications to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122, for the following:

- A. The failure to collect at least five routine distribution coliform samples the month following a total coliform-positive result for the months of August 2013 and May 2014;
  - B. The failure to comply with the maximum contaminant level for total coliform during the month of April 2014;
  - C. The failure to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of July 2013;
  - D. The failure to report the results of quarterly nitrate monitoring for the second quarter of 2013; and
  - E. The failure to conduct repeat distribution total coliform monitoring for the month of July 2013.
- iv. Submit all delinquent drinking water chemical analysis results listed in Findings of Fact Nos. 2.a. and 2.b. to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.118, or demonstrate that a payment schedule for release of the results has been established with the testing laboratory; and
  - v. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that the results of any future drinking water chemical test, measurement, or analysis are released by the Facility's laboratories and reported to the Executive Director within ten days following the Facility's receipt of the results of such test, measurement, or analysis, in accordance with 30 TEX. ADMIN. CODE § 290.118.
- b. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.d., to demonstrate compliance with Ordering Provisions Nos. 3.a.ii. through 3.a.v.
  - c. Within 225 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.d., to demonstrate compliance with Ordering Provision No. 3.a.i.
  - d. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, 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:

Section Manager, Public Drinking Water Section  
Water Supply Division, 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
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 fully executed 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

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For the Commission

**AFFIDAVIT OF ELIZABETH CARROLL HARKRIDER**

**STATE OF TEXAS**

§

**COUNTY OF TRAVIS**

§

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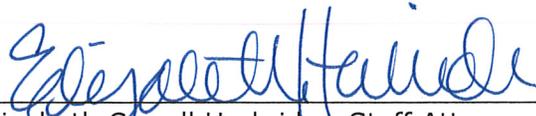
"My name is Elizabeth Carroll Harkrider. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

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 Charles M. Watts d/b/a Island View Landing" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on January 29, 2015.

Respondent filed an answer requesting a hearing on February 11, 2015, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on March 23, 2015. On April 1, 2015, the TCEQ Chief Clerk mailed notice of the April 30, 2015 preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.

Respondent failed to appear at the hearing on April 30, 2015. At that hearing, I requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(d), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

The ALJ remanded the matter to the Executive Director by SOAH Order No. 1, issued on May 18, 2015, so that TCEQ may dispose of this case on a default basis."



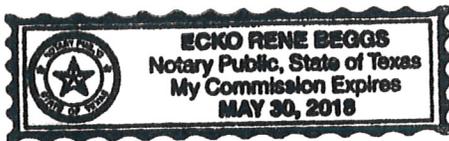
Elizabeth Carroll Harkrider, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

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

Subscribed and sworn to before me on this 3<sup>rd</sup> day of June, A.D. 2015.



Notary Public, State of Texas



Notary without Bond