

**Executive Summary – Enforcement Matter – Case No. 49932**  
**SAM RAYBURN WATER, INC.**  
**RN101249787**  
**Docket No. 2015-0079-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

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

Anthony Harbor Subdivision, located 0.2 mile east of Farm-to-Market Roads 705 and 83 near Pineland, San Augustine County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 15, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$702

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$702

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 49932**  
**SAM RAYBURN WATER, INC.**  
**RN101249787**  
**Docket No. 2015-0079-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 8, 2014 through December 19, 2014 and January 27, 2015

**Date(s) of NOE(s):** December 19, 2014

***Violation Information***

1. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit a DLQOR [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A) and (f)].
2. Failed to timely submit a DLQOR to the ED each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to timely submit a DLQOR [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A) and (f)].
3. Failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit DLQORs and regarding the failure to provide the results of quarterly Disinfection Byproducts sampling [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
4. Failed to pay all annual Public Health Service ("PHS") fees and associated late fees for TCEQ Financial Administration Account No. 92030010 for Fiscal Year 2015 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On November 24, 2014, the Respondent submitted DLQORs for the first and second quarters of 2014.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:

**Executive Summary – Enforcement Matter – Case No. 49932**  
**SAM RAYBURN WATER, INC.**  
**RN101249787**  
**Docket No. 2015-0079-PWS-E**

- i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs;
  - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy is provided to the ED, including but not limited to providing public notifications regarding the failure to submit DLQORs and regarding the failure to provide the results of quarterly Disinfection Byproducts sampling; and
  - iii. Pay all outstanding PHS fees and associated late fees for TCEQ Financial Administration Account No. 92030010.
- b. Within 45 days, submit written certification to demonstrate compliance with a.i. and a.ii.
- c. Within 90 days, begin submitting DLQORs to the ED each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
- d. Within 285 days, submit written certification to demonstrate compliance with c.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jim Fisher, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2537; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Don Johnson, Owner, SAM RAYBURN WATER, INC., P.O. Box 154322, Lufkin, Texas 75915  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	5-Jan-2015	<b>Screening</b>	15-Jan-2015	<b>EPA Due</b>	31-Dec-2014
	<b>PCW</b>	27-Jan-2015				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	SAM RAYBURN WATER, INC.		
<b>Reg. Ent. Ref. No.</b>	RN101249787		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49932	<b>No. of Violations</b>	4
<b>Docket No.</b>	2015-0079-PWS-E	<b>Order Type</b>	Findings
<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

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for five NOVs with the same/similar violations and two agreed orders with a denial of liability.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts  Estimated Cost of Compliance  \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

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.

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 15-Jan-2015

Docket No. 2015-0079-PWS-E

PCW

Respondent SAM RAYBURN WATER, INC.

Policy Revision 4 (April 2014)

Case ID No. 49932

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101249787

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

### 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 (number of NOVs meeting criteria)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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) 65%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with the same/similar violations and two agreed orders with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 65%

Screening Date 15-Jan-2015

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PCW

Respondent SAM RAYBURN WATER, INC.

Policy Revision 4 (April 2014)

Case ID No. 49932

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101249787

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A) and (f)

Violation Description Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs for the third and fourth quarters of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (5.0%).

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 183 Number of violation days

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

Violation Base Penalty \$100

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$109

Violation Final Penalty Total \$234

This violation Final Assessed Penalty (adjusted for limits) \$234

# Economic Benefit Worksheet

**Respondent** SAM RAYBURN WATER, INC.  
**Case ID No.** 49932  
**Reg. Ent. Reference No.** RN101249787  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				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	\$45	8-Dec-2014	31-Aug-2015	0.73	\$2	n/a	\$2
Training/Sampling	\$100	8-Dec-2014	31-Aug-2015	0.73	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	8-Dec-2014	31-Aug-2015	0.73	\$4	n/a	\$4

**Notes for DELAYED costs**

The delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified quarterly DLQORs, calculated from the record review date to the estimated date of compliance. The other delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that public notification is provided 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)**

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]	\$44	10-Oct-2013	10-Jan-2014	1.17	\$3	\$44	\$47
Other (as needed)	\$50	11-Oct-2013	10-Apr-2014	1.41	\$4	\$50	\$54

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x two missed reports), calculated from the date the report was due for the third quarter of 2013 to the date the report was due for the fourth quarter of 2013. The other avoided costs include the estimated amount to provide public notification regarding the failure to submit DLQORs (\$25 per notification x two notifications), calculated for the periods in which public notifications were required.

<b>Approx. Cost of Compliance</b>	\$339	<b>TOTAL</b>	\$109
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Screening Date 15-Jan-2015

Docket No. 2015-0079-PWS-E

PCW

Respondent SAM RAYBURN WATER, INC.

Policy Revision 4 (April 2014)

Case ID No. 49932

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101249787

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A) and (f)

Violation Description

Failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the first and second quarters of 2014 and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to timely submit a DLQOR for the first quarter of 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
		X	

Percent 2.5%

Matrix Notes

Between 30% and 70% of the rule requirements were not met.

Adjustment \$975

\$25

Violation Events

Number of Violation Events 2

180 Number of violation days

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

Violation Base Penalty \$50

Two single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$28

Violation Final Penalty Total \$117

This violation Final Assessed Penalty (adjusted for limits) \$117

# Economic Benefit Worksheet

**Respondent** SAM RAYBURN WATER, INC.  
**Case ID No.** 49932  
**Reg. Ent. Reference No.** RN101249787  
**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
<small>No commas or \$</small>							

**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)	\$44	10-Apr-2014	24-Nov-2014	0.62	\$1	n/a	\$1

**Notes for DELAYED costs**  
 The delayed costs to ensure that self-reporting requirements are properly accomplished and public notification is provided are captured in Violation No. 1. The other delayed cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x two late reports), calculated from the date the report was due for the first quarter of 2014 to the date the reports were submitted.

**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]	\$25	11-Apr-2014	10-Jul-2014	1.16	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 The avoided cost includes the estimated amount to provide public notification regarding the failure to timely submit a DLQOR (\$25 per notification x one notification), calculated for the period in which public notification was required.

<b>Approx. Cost of Compliance</b>	\$69	<b>TOTAL</b>	\$28
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Screening Date 15-Jan-2015

Docket No. 2015-0079-PWS-E

PCW

Respondent SAM RAYBURN WATER, INC.

Policy Revision 4 (April 2014)

Case ID No. 49932

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101249787

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description

Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs for the first and second quarters of 2013, and regarding the failure to provide the results of quarterly Disinfection Byproducts sampling for the second quarter of 2013.

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 requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3

270 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

Three single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$80

Violation Final Penalty Total \$351

This violation Final Assessed Penalty (adjusted for limits) \$351

# Economic Benefit Worksheet

**Respondent** SAM RAYBURN WATER, INC.  
**Case ID No.** 49932  
**Reg. Ent. Reference No.** RN101249787  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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 to ensure that public notification is provided and reported to the Executive Director is captured in Violation No. 1.

**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
<b>ONE-TIME avoided costs [3]</b>	\$75	11-Apr-2013	10-Oct-2013	1.42	\$5	\$75	\$80
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to provide public notification regarding the failure to submit DLQORs for the first and second quarters of 2013 and regarding the failure to provide the results of quarterly Disinfection Byproducts sampling for the second quarter of 2013 (\$25 per notification x three notifications), calculated for the periods in which public notifications were required.

Approx. Cost of Compliance \$75

**TOTAL** \$80

Screening Date 15-Jan-2015

Docket No. 2015-0079-PWS-E

PCW

Respondent SAM RAYBURN WATER, INC.

Policy Revision 4 (April 2014)

Case ID No. 49932

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101249787

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 4

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

Violation Description Failed to pay all annual Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 92030010 for Fiscal Year 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%). Includes Matrix Notes field.

Adjustment \$1,000

\$0

Violation Events

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

Table for frequency selection: daily, weekly, monthly, quarterly, semiannual, annual, single event. Includes instruction 'mark only one with an x'.

Violation Base Penalty \$0

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

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A. Includes 'Before NOE/NOV' and 'NOE/NOV to EDRP/Settlement Offer' columns.

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

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

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

# Economic Benefit Worksheet

**Respondent** SAM RAYBURN WATER, INC.  
**Case ID No.** 49932  
**Reg. Ent. Reference No.** RN101249787  
**Media** Public Water Supply  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

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

Notes for DELAYED costs

N/A
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**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

N/A
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Approx. Cost of Compliance \$0

**TOTAL** \$0

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 CN600636112, RN101249787, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent,** CN600636112, SAM RAYBURN WATER, INC.   **Classification:** NOT APPLICABLE   **Rating:** N/A  
**Regulated Entity:** RN101249787, ANTHONY HARBOR SUBDIVISION   **Classification:** NOT APPLICABLE   **Rating:** N/A  
**Complexity Points:** N/A   **Repeat Violator:** N/A  
**CH Group:** 14 - OTHER  
**Location:** 0.2 MILE EAST OF FARM-TO-MARKET ROADS 705 AND 83 NEAR PINELAND, SAN AUGUSTINE COUNTY, TEXAS  
**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):** PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2030010   **WATER LICENSING LICENSE** 2030010  
**Compliance History Period:** September 01, 2009 to August 31, 2014   **Rating Year:** 2014   **Rating Date:** 09/01/2014  
**Date Compliance History Report Prepared:** March 20, 2015  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** March 20, 2010 to March 20, 2015

## 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: 08/08/2013                   ADMINORDER 2013-0125-PWS-E (1660 Order-Agreed Order With Denial)  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
              30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
    Description: DLQOR MR 3Q2010 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
              30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
              30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
    Description: DLQOR MR 4Q2010 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
              30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
    Description: DLQOR MR 1Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
              30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2012 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2012.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2012 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2012.

2 Effective Date: 10/18/2014 ADMINORDER 2014-0242-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCR to the bill paying customers nor did

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCR to the bill paying customers nor did

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the Maximum Contaminant Level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the running annual average and failed to post public notification for the failure to comply with the MCL for TTHM during the first quarter of 2013. Specifically, the running annual average concentration of TTHM for the first quarter of 2013 was 0.110 mg/L and public notification was required by August 16, 2013 but was not provided

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the Maximum Contaminant Level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the running annual average and failed to post public notification for the failure to comply with the MCL for TTHM during the first quarter of 2013. Specifically, the running annual average concentration of TTHM for the first quarter of 2013 was 0.110 mg/L and public notification was required by August 16, 2013 but was not provided

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: Failed to provide the results of quarterly Stage 1 Disinfectant Byproduct ("DBP") contaminant sampling to the Executive Director. Specifically, the Respondent failed to provide Stage 1 DBP monitoring results for the second and third

quarters of 2013

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: Failed to provide the results of quarterly Stage 1 Disinfectant Byproduct ("DBP") contaminant sampling to the Executive Director. Specifically, the Respondent failed to provide Stage 1 DBP monitoring results for the second and third quarters of 2013

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director. Specifically, the Respondent did not collect the required lead and copper samples for the January 1, 2011 through December 31, 2011 and January 1, 2013 through December 31, 2013 monitoring periods

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director. Specifically, the Respondent did not collect the required lead and copper samples for the January 1, 2011 through December 31, 2011 and January 1, 2013 through December 31, 2013 monitoring periods

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: Failed to provide the results of triennial mineral and synthetic organic chemical ("SOC") (methods 504, 515, and 531) contaminants sampling to the Executive Director. Specifically, the Respondent failed to provide mineral and SOCs methods 504, 515 and 531 monitoring results for the January 1, 2011 through December 31, 2013 monitoring period

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: Failed to provide the results of annual nitrate sampling to the Executive Director for the January 1, 2013 through December 31, 2013 monitoring period

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: Failed to provide the results of triennial mineral and synthetic organic chemical ("SOC") (methods 504, 515, and 531) contaminants sampling to the Executive Director. Specifically, the Respondent failed to provide mineral and SOCs methods 504, 515 and 531 monitoring results for the January 1, 2011 through December 31, 2013 monitoring period

**B. Criminal convictions:** N/A

**C. Chronic excessive emissions events:** N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):** N/A

**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:	05/20/2014 (1215421)	CN600636112
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)	
	Description:	DLQOR MR 4Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2013 within the required timeline.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)	
	Description:	DLQOR MR 3Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2013 within the required timeline.	





Description: 5A THSC Chapter 341, SubChapter A 341.0315(c)  
Failed to comply with the Maximum Contaminant Level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the running annual average and failed to post public notification for the failure to comply with the MCL for TTHM during the first quarter of 2013. Specifically, the running annual average concentration of TTHM for the first quarter of 2013 was 0.110 mg/L and public notification was required by August 16, 2013 but was not provided

4 Date: 08/26/2013 (1145932) CN600636112  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the Maximum Contaminant Level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the running annual average and failed to post public notification for the failure to comply with the MCL for TTHM during the first quarter of 2013. Specifically, the running annual average concentration of TTHM for the first quarter of 2013 was 0.110 mg/L and public notification was required by August 16, 2013 but was not provided

5\* Date: 11/14/2013 (1145932) CN600636112  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCR to the bill paying customers nor did

6\* Date: 11/22/2013 (1145932) CN600636112  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: Failed to provide the results of quarterly Stage 1 Disinfectant Byproduct ("DBP") contaminant sampling to the Executive Director. Specifically, the Respondent failed to provide Stage 1 DBP monitoring results for the second and third quarters of 2013

7\* Date: 02/26/2014 (1215421) CN600636112  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR 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 disinfectant monitoring and reporting violation during the second quarter of 2013.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 1Q2013 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 disinfectant monitoring and reporting violation during the first quarter of 2013.

8\* Date: 03/17/2014 (1215421) CN600636112  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: DBP1 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 disinfectant byproducts monitoring and reporting violation for the quarterly monitoring period from 04/01/2013 to 06/30/2013.

9\* Date: 05/20/2014 (1215421) CN600636112  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 4Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2013 within the required timeline.

Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 3Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2013 within the required timeline.

10\* Date: 07/02/2014 (1215421) CN600636112  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 1Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2014 within the required timeline.

11 Date: 09/11/2014 (1215421) CN600636112  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: DLQOR MR PN 4Q2013 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 disinfectant monitoring and reporting violation during the fourth quarter of 2013.

Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: DLQOR MR PN 3Q2013 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 disinfectant monitoring and reporting violation during the third quarter of 2013.

12 Date: 10/13/2014 (1215421) CN600636112  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: DLQOR MR PN 1Q2014 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 disinfectant monitoring and reporting violation during the first quarter of 2014.

13 Date: 10/23/2014 (1215421) CN600636112  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: DLQOR MR 2Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2014 within the required timeline.

\* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

**Appendix B**  
**All Investigations Conducted During Component Period March 20, 2010 and March 20, 2015**

- Item 1 August 05, 2011\*\* (933087) For Informational Purposes Only
- Item 2 September 12, 2012\*\* (1030235) For Informational Purposes Only
- Item 3 November 20, 2012\*\* (1003010) For Informational Purposes Only
- Item 4 February 04, 2014\*\* (1145932) For Informational Purposes Only
- Item 5 February 07, 2014\*\* (1146188) For Informational Purposes Only
- Item 6 December 17, 2014 (1215421) For Informational Purposes Only
- Item 7 December 19, 2014 (1215953) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SAM RAYBURN WATER, INC.  
RN101249787**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-0079-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SAM RAYBURN WATER, INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located 0.2 mile east of Farm-to-Market Roads 705 and 83 near Pineland, San Augustine County, Texas (the "Facility")

that has approximately 61 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from December 8, 2014 through December 19, 2014, TCEQ staff documented that the Respondent did not submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter and did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs for the third and fourth quarters of 2013.
3. During a record review conducted from December 8, 2014 through December 19, 2014, TCEQ staff documented that the Respondent did not timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the first and second quarters of 2014 and did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to timely submit a DLQOR for the first quarter of 2014.
4. During a record review conducted from December 8, 2014 through December 19, 2014, TCEQ staff documented that the Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs for the first and second quarters of 2013, and regarding the failure to provide the results of quarterly Disinfection Byproducts sampling for the second quarter of 2013.
5. During a record review conducted on January 27, 2015, TCEQ staff documented that the Respondent did not pay all annual Public Health Service ("PHS") fees and associated late fees for TCEQ Financial Administration Account No. 92030010 for Fiscal Year 2015.
6. The Respondent received notice of the violations on January 2, 2015.
7. The Executive Director recognizes that on November 24, 2014, the Respondent submitted DLQORs for the first and second quarters of 2014.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A) and (f).

3. As evidenced by Findings of Fact No. 3, the Respondent failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to timely submit a DLQOR, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A) and (f).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs and regarding the failure to provide the results of quarterly Disinfection Byproducts sampling, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to pay all annual PHS fees and associated late fees for TCEQ Financial Administration Account No. 92030010 for Fiscal Year 2015, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Seven Hundred Two Dollars (\$702) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Seven Hundred Two Dollar (\$702) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Seven Hundred Two Dollars (\$702) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: SAM RAYBURN WATER, INC., Docket No. 2015-0079-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order:
    - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, as required by 30 TEX. ADMIN. CODE § 290.110;
    - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy is provided to the Executive Director, including but not limited to providing public notifications regarding the failure to submit DLQORs and regarding the failure to provide the results of quarterly Disinfection Byproducts sampling, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
    - iii. Pay all outstanding PHS fees and associated late fees for TCEQ Financial Administration Account No. 92030010. The payment shall include the notation "SAM RAYBURN WATER, INC.; TCEQ Account No. 92030010" and be submitted to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii.;
  - c. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- d. Within 285 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

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

The determination of what constitutes good cause rests solely with the Executive Director.

5. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/5/15  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of SAM RAYBURN WATER, INC. I am authorized to agree to the attached Agreed Order on behalf of SAM RAYBURN WATER, INC., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, SAM RAYBURN WATER, INC. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

3/27/15  
Date

DON JOHNSON  
Name (Printed or typed)  
Authorized Representative of  
SAM RAYBURN WATER, INC.

OWNER  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.