

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 51508  
Lake Corpus Christi RV Park & Marina, L.L.C.  
RN101254266  
Docket No. 2015-1670-PWS-E

**Order Type:**

Default Order

**Media:**

PWS

**Small Business:**

Yes

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

250 Boat Ramp Road, Sandia, Live Oak County

**Type of Operation:**

public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions: None  
Past-Due Penalties: \$1,490.08 (2013-1742-PWS-E; referred to collection)  
Past-Due Fees: \$275.70 (Acct. No. 91490006; referred to collection)  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** March 25, 2016

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$765

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

**Total Due to General Revenue:** \$765

**Compliance History Classifications:**

Person/CN –Unclassified

Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** October 19, 2015  
**Date(s) of NOV(s):** March 6, 2015; October 12, 2015  
**Date(s) of NOE(s):** October 30, 2015

**Violation Information**

1. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result for a routine distribution coliform sample [30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii)].
2. Failed to collect, within 24 hours of notification of a routine distribution total coliform-positive sample, at least one raw groundwater source *E. coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected [30 TEX. ADMIN. CODE § 290.109(c)(4)(B)].
3. Failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct repeat coliform monitoring [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
4. Failed to pay Public Health Service fees for the year 2015 and associated interest and penalties [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Begin complying with all applicable coliform monitoring requirements by collecting all necessary routine, repeat, and increased monitoring distribution coliform samples, collecting all necessary raw groundwater source *E. coli* samples from each groundwater source in use at the time any distribution coliform-positive sample is collected, and providing water that meets all requirements regarding microbial contaminants. This provision will be satisfied upon six months of compliant monitoring and sampling.
  - b. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director;
  - c. Provide public notification regarding the failure to conduct repeat coliform monitoring during the months of June 2012 and October 2014, and provide a copy of each public notification to the Executive Director; and
  - d. Submit payment for all outstanding fees, interest, and penalties.
2. Within 45 days, submit documentation demonstrating compliance with Technical Requirements Nos. 1.b. through 1.d.
3. Within 225 days, submit documentation demonstrating compliance with Technical Requirement No. 1.a.

**Litigation Information**

**Date Petition(s) Filed:** January 7, 2016  
**Date Green Card(s) Signed:** January 9, 2016  
**Date Answer(s) Filed:** N/A

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 51508**  
**Lake Corpus Christi RV Park & Marina, L.L.C.**  
**RN101254266**  
**Docket No. 2015-1670-PWS-E**

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**Contact Information**

**TCEQ Attorneys:** Elizabeth Carroll Harkrider, Litigation Division, (512) 239-3400  
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Rudy Calderon, Public Interest Counsel, (512) 239-6363

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

**TCEQ Regional Contact:** Gary Chauvin, Corpus Christi Regional Office, (361) 825-3100

**Respondent Contacts:**

Corey Jensen, President, Lake Corpus Christi RV Park & Marina, L.L.C., 250 Boat Ramp Road, Sandia, Texas 78383;

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

Scott Sullivan, Director, Lake Corpus Christi RV Park & Marina, L.L.C., 3709 Fieldcrest Lane, Bedford, Texas 76021

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

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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>	2-Nov-2015	<b>Screening</b>	4-Nov-2015	<b>EPA Due</b>	31-Dec-2015
	<b>PCW</b>	6-Jan-2016				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

<b>Enf./Case ID No.</b>	51508	<b>No. of Violations</b>	4
<b>Docket No.</b>	2015-1670-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>	Epifanio Villarreal
		<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>	\$400
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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% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$240
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Notes: Enhancement for two NOV's with the same/similar violations, one agreed order without a denial of liability, and a 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: \$131  
 Estimated Cost of Compliance: \$235  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$640
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	19.5%	<b>Adjustment</b>	\$125
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance for violation nos. 1 and 2.

<b>Final Penalty Amount</b>	\$765
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$765
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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>	\$765
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Screening Date 4-Nov-2015

Docket No. 2015-1670-PWS-E

PCW

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

Policy Revision 4 (April 2014)

Case ID No. 51508

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	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	2	50%
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%

#### >> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Unclassified

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations, one agreed order without a denial of liability, and a default order.

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

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 60%

**Screening Date** 4-Nov-2015 **Docket No.** 2015-1670-PWS-E **PCW**  
**Respondent** Lake Corpus Christi RV Park & Marina, L.L.C. *Policy Revision 4 (April 2014)*  
**Case ID No.** 51508 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN101254266  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.109(c)(3)(A)(ii)

**Violation Description**

Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result for a routine distribution coliform sample collected during the month of July 2015.

**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 repeat distribution coliform samples could expose persons served by 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" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One monthly event is recommended.

**Good Faith Efforts to Comply**  **Reduction**

	Before NOE/NOV	NOE/NOV to EDRP/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** Lake Corpus Christi RV Park & Marina, L.L.C.  
**Case ID No.** 51508  
**Reg. Ent. Reference No.** RN101254266  
**Media Violation No.** Public Water Supply  
 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

### 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)	\$100	1-Aug-2015	2-Aug-2015	0.00	\$0	\$100	\$100

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect a total of four repeat distribution coliform samples (\$25 per sample x four missed samples), calculated for the 24-hour period following the total coliform-positive sample result.

Approx. Cost of Compliance \$100

**TOTAL** \$100

Screening Date 4-Nov-2015

Docket No. 2015-1670-PWS-E

PCW

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

Policy Revision 4 (April 2014)

Case ID No. 51508

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(4)(B)

Violation Description Failed to collect, within 24 hours of notification of a routine distribution total coliform-positive sample collected during the month of June 2012, at least one raw groundwater source Escherichia coli sample from each groundwater source in use at the time the distribution coliform-positive sample was collected.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes Failure to conduct raw groundwater sampling could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 30 Number of violation days

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

Violation Base Penalty \$150

One monthly event is 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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$287

This violation Final Assessed Penalty (adjusted for limits) \$287

# Economic Benefit Worksheet

**Respondent** Lake Corpus Christi RV Park & Marina, L.L.C.  
**Case ID No.** 51508  
**Reg. Ent. Reference No.** RN101254266  
**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]	\$25	21-Jun-2012	22-Jun-2012	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect one raw groundwater source sample from each active source (\$25 per sample x one well not sampled), calculated for the 24-hour period after the coliform-positive result.

Approx. Cost of Compliance \$25

**TOTAL** \$25

Screening Date 4-Nov-2015

Docket No. 2015-1670-PWS-E

PCW

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

Policy Revision 4 (April 2014)

Case ID No. 51508

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s)

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

Violation Description

Failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct repeat coliform monitoring during the months of June 2012 and October 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	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

184 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

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 w th 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 \$6

Violation Final Penalty Total \$191

This violation Final Assessed Penalty (adjusted for limits) \$191

# Economic Benefit Worksheet

**Respondent** Lake Corpus Christi RV Park & Marina, L.L.C.  
**Case ID No.** 51508  
**Reg. Ent. Reference No.** RN101254266  
**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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### 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	\$100	19-Oct-2015	1-Jul-2016	0.70	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	30-Sep-2012	1-Jul-2016	3.75	\$2	n/a	\$2

**Notes for DELAYED costs**

The delayed costs include the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance.

The other delayed costs include the estimated amount to ensure that all delinquent public notifications (\$5 per notification x two notifications) are provided to persons served by the Facility and a copy of the public notification is provided to the Executive Director, calculated from the due date of the earliest public notification to the estimated date of compliance.

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$110
**TOTAL** \$6

Screening Date 4-Nov-2015

Docket No. 2015-1670-PWS-E

PCW

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

Policy Revision 4 (April 2014)

Case ID No. 51508

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101254266

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s)

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

Violation Description

Failed to pay Public Health Service fees for the year 2015 and associated interest and penalties.

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

Percent 0.0%

Matrix Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

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

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

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** Lake Corpus Christi RV Park & Marina, L.L.C.  
**Case ID No.** 51508  
**Reg. Ent. Reference No.** RN101254266  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

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

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	N/A						

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

**PENDING** Compliance History Report for CN603396219, RN101254266, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

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

**Regulated Entity:** RN101254266, Lake Corpus Christi RV Park & Marina **Classification:** N/A **Rating:** N/A  
**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - Other

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

**TCEQ Region:** REGION 14 - CORPUS CHRISTI

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

**Compliance History Period:** September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** November 04, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 04, 2010 to November 04, 2015

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

**Name:** EPI VILLARREAL

**Phone:** (361) 825-3425

## Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

3) If YES for #2, who is the current owner/operator? N/A

4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A

5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

#### **2 Effective Date: 06/13/2014 ADMINORDER 2013-1742-PWS-E (Findings Order-Default)**

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(1)  
30 TAC Chapter 290, SubChapter D 290.42(e)(2)  
30 TAC Chapter 290, SubChapter D 290.42(e)(3)

Description: Failed to provide disinfection facilities for the groundwater supply to ensure microbiological control and distribution protection.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)  
30 TAC Chapter 290, SubChapter F 290.110(e)(4)(B)

Description: Failed to maintain Facility records to Commission personnel at the time of the investigation.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(1)

Description: Failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L") using amperometric titration, N,N-diethyl-p-phenylenediamine ("DPD") Ferrous titration or DPD colorimetric.

Classification: Minor

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

Description: Failed to provide a pressure tank capacity of 10 gallons per unit with a minimum of 220 gallons.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(1)(A)  
5A THSC Chapter 341, SubChapter A 341.0351

Description: Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)  
30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failed to provide an intruder-resistant fence or a locked and ventilated well house to protect the Facility's well or pressure tanks.

Classification: Minor

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

Description: Failure to meet the well capacity requirement of 1.0 gallon per minute ("gpm") per unit.

**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.

- |          |  |                  |                          |
|----------|--|------------------|--------------------------|
| <b>1</b> | <b>Date: 03/06/2015</b>  | <b>(1288384)</b> | <b>CN603396219</b>       |
|          | Self Report? NO  |                  | Classification: Moderate |
|          | Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)<br>30 TAC Chapter 290, SubChapter F 290.122(f)   |                  |                          |
|          | Description: OCT/2014 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 10/2014. |                  |                          |
| <b>2</b> | <b>Date: 10/12/2015</b>  | <b>(1288384)</b> | <b>CN603396219</b>       |
|          | Self Report? NO  |                  | Classification: Moderate |
|          | Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)  |                  |                          |
|          | Description: TCR Repeat MR Violation 07/2015 - 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  
LAKE CORPUS CHRISTI RV  
PARK & MARINA, L.L.C.;  
RN101254266**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**DEFAULT ORDER**

**DOCKET NO. 2015-1670-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. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Lake Corpus Christi RV Park & Marina, L.L.C. ("Respondent").

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

**FINDINGS OF FACT**

1. Respondent owns and operates a public water system located at 250 Boat Ramp Road in Sandia, Live Oak County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 35 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. During a record review conducted on October 19, 2015, an investigator documented that Respondent:
  - a. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result for a routine distribution coliform sample collected during the month of July 2015;
  - b. Failed to collect, within 24 hours of notification of a routine distribution total coliform-positive sample collected during the month of June 2012, at least one raw groundwater source *Escherichia coli* ("*E. coli*") sample from each groundwater source in use at the time the distribution coliform-positive sample was collected;
  - c. Failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct repeat coliform monitoring during the months of June 2012 and October 2014; and
  - d. Failed to pay Public Health Service fees for the year 2015 and associated interest and penalties.<sup>1</sup>
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 Lake Corpus Christi RV Park & Marina, L.L.C." (the "EDPRP") in the TCEQ Chief Clerk's office on January 7, 2016.

<sup>1</sup> TCEQ Financial Administration Account No. 91490006.

4. By letter dated January 7, 2016, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on January 9, 2016, as evidenced by the signature on the card.
5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result for a routine distribution coliform sample, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to collect, within 24 hours of notification of a routine distribution total coliform-positive sample, at least one raw groundwater source *E. coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(4)(B).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct repeat coliform monitoring, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to pay Public Health Service fees for the year 2015 and associated interest and penalties, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
6. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
7. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
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 seven hundred sixty-five dollars (\$765.00) 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 seven hundred sixty-five dollars (\$765.00) 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: Lake Corpus Christi RV Park & Marina, L.L.C.; Docket No. 2015-1670-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 all applicable coliform monitoring requirements by collecting all necessary routine, repeat, and increased monitoring distribution coliform samples, collecting all necessary raw groundwater source *E. coli* samples from each groundwater source in use at the time any distribution coliform-positive sample is collected, and providing water that meets all requirements regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six months of compliance 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 a copy of the public notification is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;
    - iii. Provide public notification regarding the failure to conduct repeat coliform monitoring during the months of June 2012 and October 2014, and provide a copy of each public notification to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
    - iv. Submit payment for all outstanding fees, interest, and penalties. The payment shall be sent with the notation "Lake Corpus Christi RV Park & Marina, L.L.C., Account No. 91490006" 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
  - 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.iv.

- 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."

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent 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**

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

**AFFIDAVIT OF ELIZABETH CARROLL HARKRIDER**

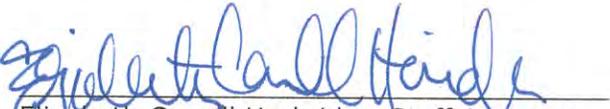
**STATE OF TEXAS**                   §  
   §  
**COUNTY OF TRAVIS**               §

"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 Lake Corpus Christi RV Park & Marina, L.L.C." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on January 7, 2016.

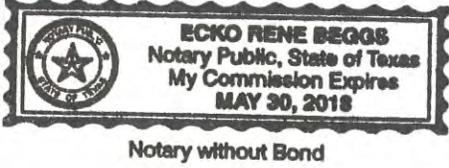
The EDPRP was mailed to Respondent's last known address on January 7, 2016, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on January 9, 2016, as evidenced by the signature on the card.

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

  
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 March, A.D. 2016.



  
Notary Public, State of Texas