

**Executive Summary – Enforcement Matter – Case No. 51661  
MARINA QUEST, INC. dba Texoma Marina and Resort  
RN102071990  
Docket No. 2015-1826-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:**

Texoma Marina and Resort, 4499 Rock Creek Camp Road near Whitesboro, Grayson 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:** July 1, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,986

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

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

**Total Paid to General Revenue:** \$662

**Total Due to General Revenue:** \$1,324

Payment Plan: 2 payments of \$662 each

**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. 51661**  
**MARINA QUEST, INC. dba Texoma Marina and Resort**  
**RN102071990**  
**Docket No. 2015-1826-PWS-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** November 2, 2015 through November 13, 2015

**Date(s) of NOE(s):** November 13, 2015

***Violation Information***

1. Failed to collect routine distribution water samples for coliform analysis and failed to issue public notification and submit a copy of the notification to the Executive Director (“ED”) regarding the failure to collect routine coliform samples [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(A) and (f) and TEX. HEALTH & SAFETY CODE § 341.033(d)].
2. Failed to collect five routine distribution coliform samples during the month following a total coliform-positive sample result and failed to issue public notification and submit a copy of notification to the ED regarding the failure to collect five routine distribution coliform samples during the month following a total coliform-positive sample result [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A) and (f)].
3. Failed to issue public notification and submit a copy of the public notification to the ED regarding the failure to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample, the failure to conduct increased coliform monitoring, and the failure to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

- i. Begin complying with applicable coliform monitoring requirements by collecting increased distribution coliform samples when required and collecting routine coliform samples, and by providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;

**Executive Summary – Enforcement Matter – Case No. 51661**  
**MARINA QUEST, INC. dba Texoma Marina and Resort**  
**RN102071990**  
**Docket No. 2015-1826-PWS-E**

ii. Implement procedures to ensure that all necessary public notifications are issued in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED; and

iii. Provide public notification regarding the failure to collect routine coliform samples for the months of May 2015 and June 2015, regarding the failure to collect five routine distribution coliform samples during the month following a total coliform-positive sample result for the month of April 2015, regarding the failure to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample collected for the month of March 2015, the failure to conduct increased coliform monitoring for the month of September 2014, and the failure to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of August 2014.

b. Within 45 days, submit written certification to demonstrate compliance with a.ii. and a.iii.

c. Within 225 days, submit written certification to demonstrate compliance with a.i.

***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:** Katy Montgomery, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4016; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** N/A

**Respondent:** Marcel Bosworth, Vice President, MARINA QUEST, INC., P.O. Box 879, Grapevine, Texas 76099

Dwight Bosworth, President, MARINA QUEST, INC., P.O. Box 879, Grapevine, Texas 76099

**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>	16-Nov-2015	<b>Screening</b>	11-Dec-2015	<b>EPA Due</b>	31-Mar-2016
	<b>PCW</b>	19-Jan-2016				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	MARINA QUEST, INC. dba Texoma Marina and Resort		
<b>Reg. Ent. Ref. No.</b>	RN102071990		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	51661	<b>No. of Violations</b>	3	
<b>Docket No.</b>	2015-1826-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>	Katy Montgomery	
		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$</b>	<b>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**  Adjustment **Subtotals 2, 3, & 7**

Notes: Enhancement for nine NOVs with the same/similar violations and two enforcement orders without a denial of liability.

**Culpability**  **0.0%** Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6**

Total EB Amounts	\$235	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$355	

**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 recover the avoided costs of compliance associated with Violation Nos. 1 and 2.

**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 11-Dec-2015

Docket No. 2015-1826-PWS-E

PCW

Respondent MARINA QUEST, INC. dba Texoma Marina and Resort

Policy Revision 4 (April 2014)

Case ID No. 51661

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102071990

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

### 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> )	9	45%
	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) 95%

>> 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 nine NOVs with the same/similar violations and two enforcement orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 95%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 95%

Screening Date 11-Dec-2015

Docket No. 2015-1826-PWS-E

PCW

Respondent MARINA QUEST, INC. dba Texoma Marina and Resort

Policy Revision 4 (April 2014)

Case ID No. 51661

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102071990

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

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

Violation Description Failed to collect routine distribution water samples for coliform analysis for the months of May 2015 through August 2015 and failed to issue public notification and submit a copy of the notification to the Executive Director regarding the failure to collect routine coliform samples for the months of May 2015 and June 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to collect routine distribution water samples and issue public notification could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 4 Number of violation days 123

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

Violation Base Penalty \$600

Four monthly 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 \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$109

Violation Final Penalty Total \$1,324

This violation Final Assessed Penalty (adjusted for limits) \$1,324

## Economic Benefit Worksheet

**Respondent** MARINA QUEST, INC. dba Texoma Marina and Resort  
**Case ID No.** 51661  
**Reg. Ent. Reference No.** RN102071990  
**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				0.00	\$0	n/a	\$0
Training/Sampling	\$100	2-Nov-2015	30-Jun-2016	0.66	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	31-Aug-2015	30-Jun-2016	0.83	\$0	n/a	\$0

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 date of the record review to the estimated date of compliance.

#### Notes for DELAYED costs

The other delayed costs include the estimated amount to ensure that all delinquent public notifications (\$5 per notification x two notifications) are issued to persons served by the Facility and a copy of each 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]	\$100	1-May-2015	31-Aug-2015	1.25	\$6	\$100	\$106
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

The avoided costs include the estimated amount to collect routine distribution water samples (\$25 per sample x four samples), calculated for the period in which sampling was not conducted.

Approx. Cost of Compliance

\$210

**TOTAL**

\$109

Screening Date 11-Dec-2015

Docket No. 2015-1826-PWS-E

PCW

Respondent MARINA QUEST, INC. dba Texoma Marina and Resort

Policy Revision 4 (April 2014)

Case ID No. 51661

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102071990

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 2

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

Violation Description

Failed to collect five routine distribution coliform samples during the month following a total coliform-positive sample result for the month of April 2015 and failed to issue public notification and submit a copy of notification to the Executive Director regarding the failure to collect five routine distribution coliform samples during the month following a total coliform-positive sample result for the month of April 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect increased coliform samples and issue public notification could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

One monthly event is recommended.

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 \$125

Violation Final Penalty Total \$331

This violation Final Assessed Penalty (adjusted for limits) \$331

# Economic Benefit Worksheet

**Respondent** MARINA QUEST, INC. dba Texoma Marina and Resort

**Case ID No.** 51661

**Reg. Ent. Reference No.** RN102071990

**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)	\$5	31-Jul-2015	30-Jun-2016	0.92	\$0	n/a	\$0

The training delayed costs to implement procedures for necessary public notifications are captured in the Economic Benefit for Violation No. 1.

**Notes for DELAYED costs**

The other delayed costs include the estimated amount to ensure that the public notification is issued to persons served by the Facility and a copy of the public notification is submitted to the Executive Director (\$5 per notification x one notification), calculated from the due date of the 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]	\$125	1-Apr-2015	30-Apr-2015	0.00	\$0	\$125	\$125
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount necessary to collect increased coliform samples (\$25 per sample x five missed samples), calculated for the month the increased monitoring was required.

Approx. Cost of Compliance

\$130

**TOTAL**

\$125

Screening Date 11-Dec-2015

Docket No. 2015-1826-PWS-E

PCW

Respondent MARINA QUEST, INC. dba Texoma Marina and Resort

Policy Revision 4 (April 2014)

Case ID No. 51661

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102071990

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

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 collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample collected for the month of March 2015, the failure to conduct increased coliform monitoring for the month of September 2014, and the failure to collect raw groundwater source Escherichia coli samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of August 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3 Number of violation days 210

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 \$1

Violation Final Penalty Total \$331

This violation Final Assessed Penalty (adjusted for limits) \$331

# Economic Benefit Worksheet

**Respondent** MARINA QUEST, INC. dba Texoma Marina and Resort

**Case ID No.** 51661

**Reg. Ent. Reference No.** RN102071990

**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)	\$15	30-Nov-2014	30-Jun-2016	1.58	\$1	n/a	\$1

**Notes for DELAYED costs**

The training delayed costs to implement procedures for necessary public notifications are captured in the Economic Benefit for Violation No. 1.

The other delayed costs include the estimated amount to ensure that all public notifications are issued to persons served by the Facility and a copy of each public notification is submitted to the Executive Director (\$5 per notification x three notifications), 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

\$15

**TOTAL**

\$1

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



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN603551912, RN102071990, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN603551912, MARINA QUEST, INC.      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Regulated Entity:** RN102071990, TEXOMA MARINA AND RESORT      **Classification:** NOT APPLICABLE      **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 4499 ROCK CREEK CAMP ROAD NEAR WHITESBORO, GRAYSON COUNTY, TEXAS

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0910120      **CLEAN WATER CERTIFICATION PROGRAM ID NUMBER** POS613

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

**Date Compliance History Report Prepared:** December 11, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 11, 2010 to December 11, 2015

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

**Name:** Katy Montgomery

**Phone:** (210) 403-4016

### **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: 08/03/2013      ADMINORDER 2013-0017-PWS-E (Findings Order-Agreed Order Without Denial)  
    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 04/2011 - Failure to collect any routine monitoring sample(s).  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  
    Description: GWR Triggered Source Monitoring Violation 10/2011 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 1 source.  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
            30 TAC Chapter 290, SubChapter F 290.122(f)  
    Description: OCT/2011 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 10/2011.  
    Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)  
 Description: TCR Increase Monitoring Violation 11/2011 - Failure to collect any of the 5 distribution samples following a coliform found month.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: NOV/2011 TCR Increase Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 11/2011.  
 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 05/2012 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: MAY/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 05/2012.  
 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 06/2012 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: JUN/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 06/2012.  
 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 07/2012 - Failure to collect 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 08/2012 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: JUL/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 07/2012.

2 Effective Date: 10/01/2015 ADMINORDER 2014-1715-PWS-E (Findings Order-Agreed Order Without Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)  
 5A THSC Chapter 341, SubChapter A 341.031(a)  
 Description: TCR MCL Violation 08/2014- System exceeded a maximum contaminant level.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(i)  
 Description: TCR Repeat MR Violation 08/2014 - Failure to collect and/or submit any repeats following a coliform found result within the required timeline.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: AUG/2014 TCR MCL 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 a maximum contaminant level violation during the month of 08/2014.

**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: 01/30/2015 (1289592) CN603551912  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: SEPT/2014 TCR Increase 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 increase coliform monitoring for the month of 09/2014.
- 2 Date: 06/15/2015 (1289592) CN603551912  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Increase MR Violation 04/2015 - Failure to collect and/or submit within the required timeline all of the 5 distribution samples following a coliform found month.
- 3 Date: 07/16/2015 (1289592) CN603551912  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Routine MR Violation 05/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 4 Date: 07/31/2015 (1289592) CN603551912  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: MAR/2015 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 03/2015.
- 5 Date: 08/31/2015 (1289592) CN603551912  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: APR/2015 TCR Increase 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 increase coliform monitoring for the month of 04/2015.
- 6 Date: 09/15/2015 (1289592) CN603551912  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Routine MR Violation 06/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 7 Date: 10/05/2015 (1289592) CN603551912  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: MAY/2015 TCR Routine 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 routine coliform monitoring for the month of 05/2015.

- 8 Date: 10/12/2015 (1289592) CN603551912  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Routine MR Violation 07/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 9 Date: 10/30/2015 (1289592) CN603551912  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Routine MR Violation 08/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: JUNE/2015 TCR Routine 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 routine coliform monitoring for the month of 06/2015.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: AUG/2014 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 08/2014.

**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



Classification: Minor

Self Report? NO **For Informational Purposes Only**

Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Failure to plug or cap abandoned well.

3 Date: 12/22/2011 (1050328) CN603551912  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)

Description: GWR Triggered Source Monitoring Violation 10/2011 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 1 source.

4 Date: 02/29/2012 (1050328) CN603551912  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

Description: TCR Increase Monitoring Violation 11/2011 - Failure to collect any of the 5 distribution samples following a coliform found month.

5 Date: 03/15/2012 (1050328) CN603551912  
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: OCT/2011 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 10/2011.

6 Date: 04/24/2012 (1050328) CN603551912  
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: NOV/2011 TCR Increase Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 11/2011.

7 Date: 07/23/2012 (1050328) CN603551912  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**

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 05/2012 - Failure to collect any routine monitoring sample(s).

8 Date: 09/19/2012 (1050328) CN603551912  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**

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 06/2012 - Failure to collect any routine monitoring sample(s).

9 Date: 10/11/2012 (1050328) CN603551912  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**

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 07/2012 - Failure to collect any routine

monitoring sample(s).

- 10 Date: 10/29/2012 (1050328) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: MAY/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 05/2012.
- 11 Date: 11/06/2012 (1050328) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
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 08/2012 - Failure to collect any routine monitoring sample(s).
- 12 Date: 11/12/2012 (1050328) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: JUN/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 06/2012.
- 13 Date: 05/13/2013 (1100196) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)  
Description: TCR MCL Violation 04/2013- System exceeded a maximum contaminant level.
- 14 Date: 06/04/2013 (1100196) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(e)  
Description: TCR Repeat MR Violation 04/2013 - Failure to collect and/or submit all repeats following a coliform found result within the required timeline.
- 15 Date: 06/11/2013 (1100196) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)  
Description: TCR MCL Violation 06/2013 - System exceeded a maximum contaminant level.
- 16 Date: 08/11/2014 (1204858) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)  
5A THSC Chapter 341, SubChapter A 341.031(a)  
Description: TCR MCL Violation 08/2014- System exceeded a maximum contaminant level.
- 17\* Date: 10/17/2014 (1204858) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(i)  
Description: TCR Repeat MR Violation 08/2014 - Failure to collect and/or submit any repeats following a coliform found result within the required timeline.

18\* Date: 10/29/2014 (1204858) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: AUG/2014 TCR MCL 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 a maximum contaminant level violation during the month of 08/2014.

19\* Date: 01/30/2015 (1289592) CN603551912  
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: SEPT/2014 TCR Increase 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 increase coliform monitoring for the month of 09/2014.

20\* Date: 06/15/2015 (1289592) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Increase MR Violation 04/2015 - Failure to collect and/or submit within the required timeline all of the 5 distribution samples following a coliform found month.

21\* Date: 07/16/2015 (1289592) CN603551912  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Routine MR Violation 05/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

22\* Date: 07/31/2015 (1289592) CN603551912  
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: MAR/2015 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 03/2015.

23\* Date: 08/31/2015 (1289592) CN603551912  
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: APR/2015 TCR Increase 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 increase coliform monitoring for the month of 04/2015.

24 Date: 09/15/2015 (1289592) CN603551912

Classification: Moderate

Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Routine MR Violation 06/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

25 Date: 10/05/2015 (1289592) CN603551912  
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: MAY/2015 TCR Routine 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 routine coliform monitoring for the month of 05/2015.

26 Date: 10/12/2015 (1289592) CN603551912  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Routine MR Violation 07/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

27 Date: 10/30/2015 (1289592) CN603551912  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
Description: TCR Routine MR Violation 08/2015 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate

28 Date: 10/30/2015 (1289592)CN603551912

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: JUNE/2015 TCR Routine 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 routine coliform monitoring for the month of 06/2015.

Classification: Moderate

29 Date: 10/30/2015 (1289592)CN603551912

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: AUG/2014 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 08/2014.

\* NOVs applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

**Appendix B**

**All Investigations Conducted During Component Period December 11, 2010 and December 11, 2015**

(944424)

Item 1 August 30, 2011\*\* **For Informational Purposes Only**

- (1050328)  
Item 2 December 05, 2012\*\* For Informational Purposes Only
- (1050538)  
Item 3 December 14, 2012\*\* For Informational Purposes Only
- (1100196)  
Item 4 June 24, 2013\*\* For Informational Purposes Only
- (1157513)  
Item 5 April 01, 2014\*\* For Informational Purposes Only
- (1204858)  
Item 6 November 04, 2014\*\* For Informational Purposes Only
- (1205262)  
Item 7 November 07, 2014\*\* For Informational Purposes Only
- (1289592)  
Item 8 November 09, 2015 For Informational Purposes Only
- (1289741)  
Item 9 November 13, 2015 For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>MARINA QUEST, INC. DBA TEXOMA</b>	<b>§</b>	
<b>MARINA AND RESORT</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>RN102071990</b>	<b>§</b>	

**AGREED ORDER**  
**DOCKET NO. 2015-1826-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 MARINA QUEST, INC. dba Texoma Marina and Resort (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. 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 at 4499 Rock Creek Camp Road near Whitesboro, Grayson County, Texas (the "Facility") that has approximately 70 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted from November 2, 2015 through November 13, 2015, TCEQ staff documented that the Respondent did not collect routine distribution water samples for coliform analysis for the months of May 2015 through August 2015 and did not issue public notification and submit a copy of the notification to the Executive Director regarding the failure to collect routine coliform samples for the months of May 2015 and June 2015.
3. During a record review conducted from November 2, 2015 through November 13, 2015, TCEQ staff documented that the Respondent did not collect five routine distribution coliform samples during the month following a total coliform-positive sample result for the month of April 2015 and did not issue public notification and submit a copy of notification to the Executive Director regarding the failure to collect five routine distribution coliform samples during the month following a total coliform-positive sample result for the month of April 2015.
4. During a record review conducted from November 2, 2015 through November 13, 2015, TCEQ staff documented that the Respondent did not issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample collected for the month of March 2015, the failure to conduct increased coliform monitoring for the month of September 2014, and the failure to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of August 2014.
5. The Respondent received notice of the violations on November 18, 2015.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to collect routine distribution water samples for coliform analysis and failed to issue public notification and submit a copy of the notification to the Executive Director regarding the failure to collect routine coliform samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(A) and (f) and TEX. HEALTH & SAFETY CODE § 341.033(d).

3. As evidenced by Findings of Fact No. 3, the Respondent failed to collect five routine distribution coliform samples during the month following a total coliform-positive sample result and failed to issue public notification and submit a copy of notification to the Executive Director regarding the failure to collect five routine distribution coliform samples during the month following a total coliform-positive sample result, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A) and (f).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample, the failure to conduct increased coliform monitoring, and the failure to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
5. 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.
6. An administrative penalty in the amount of One Thousand Nine Hundred Eighty-Six Dollars (\$1,986) 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 paid Six Hundred Sixty-Two Dollars (\$662) of the penalty. The remaining amount of One Thousand Three Hundred Twenty-Four Dollars (\$1,324) shall be paid in two monthly payments of Six Hundred Sixty-Two Dollars (\$662) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Order.

### 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 One Thousand Nine Hundred Eighty-Six Dollars (\$1,986) as set forth in Section II, Paragraph 6 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: MARINA QUEST, INC. dba Texoma Marina and Resort, Docket No. 2015-1826-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. Begin complying with applicable coliform monitoring requirements by collecting increased distribution coliform samples when required and collecting routine coliform samples, and by providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
    - ii. Implement procedures to ensure that all necessary public notifications are issued 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; and
    - iii. Provide public notification regarding the failure to collect routine coliform samples for the months of May 2015 and June 2015, regarding the failure to collect five routine distribution coliform samples during the month following a total coliform-positive sample result for the month of April 2015, regarding the failure to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample collected for the month of March 2015, the failure to conduct increased coliform monitoring for the month of September 2014, and the failure to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of August 2014, in accordance with 30 TEX. ADMIN. CODE § 290.122.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.ii and 2.a.iii.
- c. Within 225 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.a.i. 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.

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 effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

*Ronnie Morris*  
For the Executive Director

8/19/16  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of MARINA QUEST, INC. dba Texoma Marina and Resort. I am authorized to agree to the attached Agreed Order on behalf of MARINA QUEST, INC. dba Texoma Marina and Resort, 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, MARINA QUEST, INC. dba Texoma Marina and Resort 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

05/10/2016  
Date

Marcel Bosworth  
Name (Printed or typed)

VP  
Title

Authorized Representative of  
MARINA QUEST, INC. dba Texoma Marina and Resort

**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.