

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 51660
OAK TERRACE ESTATES, INC. and Robert M. Smith
RN102673902
Docket No. 2015-1830-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five year period for the same violations.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

intersection of Oak Crest Drive and Lively Oak Street, Livingston, Polk County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: September 23, 2016

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,107

Total Paid to General Revenue: \$1,107

Total Due to General Revenue: \$0

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Docket No. 2015-1830-PWS-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: November 9, 2015 through November 20, 2015
Date(s) of NOV(s): See Compliance History - 5 related NOVs
Date(s) of NOE(s): November 20, 2015

Violation Information

1. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director [30 TEX. ADMIN. CODE § 290.117(c)(2)(C) and (i)(1)].
2. Failed to provide public notification or submit a copy of the public notification to the Executive Director regarding the failure to submit a disinfectant level quarterly operating report and the failure to collect routine coliform distribution samples [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On June 15, 2016, Public Utility Commission Administrative Law Judge Susan E. Goodson approved the sale and transfer of the Facility and certificate rights from Respondents to Monarch Utilities I, L.P. ("Monarch"). Respondents completed the transfer of these assets to Monarch on July 15, 2016.

Technical Requirements:

None

Litigation Information

Date Petition(s) Filed: March 3, 2016; March 30, 2016
Date Answer Filed: April 20, 2016
SOAH Referral Date: May 24, 2015
Hearing Date(s):
Preliminary Hearing: July 5, 2016 (waived)
Evidentiary Hearing: November 3, 2016 (Scheduled)
Settlement Date: July 27, 2016

Contact Information

TCEQ Attorneys: Ryan Rutledge, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, (210) 403-4077
TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, (409) 899-8721
Respondent Contact: Sidney R Smith, Registered Agent, OAK TERRACE ESTATES, INC.,
207 South Washington, Livingston, Texas 77351 and Robert M. Smith, 207 South Washington
Avenue, Livingston, Texas 77351
Respondent's Attorney: Timothy J. Karczewski, Skelton, Slusher, Barnhill, Watkins, and Wells
PLLC, 1616 S. Chestnut, Lufkin, Texas 75902



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	23-Nov-2015	Screening	10-Dec-2015	EPA Due	31-Mar-2016
	PCW	16-Dec-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	OAK TERRACE ESTATES, INC. and Robert M. Smith		
Reg. Ent. Ref. No.	RN102673902		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51660	No. of Violations	2
Docket No.	2015-1830-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$550
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	69.0%	Adjustment	Subtotals 2, 3, & 7	\$379
Notes	Enhancement for five NOV's with the same/similar violations, two dissimilar NOV's and two agreed orders containing a denial of liability.			
Culpability	No	0.0%	Enhancement	Subtotal 4
Notes	The Respondents do not meet the culpability criteria.			
Good Faith Effort to Comply Total Adjustments			Subtotal 5	\$0
Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$209	*Capped at the Total EB \$ Amount		
Estimated Cost of Compliance	\$550			

SUM OF SUBTOTALS 1-7	Final Subtotal	\$929
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OTHER FACTORS AS JUSTICE MAY REQUIRE	19.2%	Adjustment	\$178
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided costs of compliance associated with violation no. 1.		
	Final Penalty Amount	\$1,107	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,107
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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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.		
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PAYABLE PENALTY	\$1,107
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Screening Date 10-Dec-2015

Docket No. 2015-1830-PWS-E

PCW

Respondent OAK TERRACE ESTATES, INC. and Robert M. Smith

Policy Revision 4 (April 2014)

Case ID No. 51660

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102673902

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

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>)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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) 69%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 69%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 69%

Screening Date 10-Dec-2015 **Docket No.** 2015-1830-PWS-E **PCW**
Respondent OAK TERRACE ESTATES, INC. and Robert M. Smith *Policy Revision 4 (April 2014)*
Case ID No. 51660 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN102673902
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.117(c)(2)(C) and (i)(1)

Violation Description

Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director for the January 1, 2013 through December 31, 2015 monitoring period.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to collect lead and copper 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"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply **Reduction**

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes The Respondents do 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 OAK TERRACE ESTATES, INC. and Robert M. Smith
Case ID No. 51660
Reg. Ent. Reference No. RN102673902
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	\$100	9-Nov-2015	7-Jul-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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed costs include the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future lead and copper samples are collected by the Facility's personnel, analyzed by the Facility's laboratories, and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

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

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]	\$150	1-Jan-2013	10-Oct-2015	3.69	\$28	\$150	\$178
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 The avoided costs include the estimated amount to collect and have all lead and copper samples analyzed (\$30 per sample x five missed samples), calculated for the monitoring period in which samples were required.

Approx. Cost of Compliance	\$250	TOTAL	\$181
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Screening Date 10-Dec-2015

Docket No. 2015-1830-PWS-E

PCW

Respondent OAK TERRACE ESTATES, INC. and Robert M. Smith

Policy Revision 4 (April 2014)

Case ID No. 51660

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102673902

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s)

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

Violation Description

Failed to provide public notification or submit a copy of the public notification to the Executive Director regarding the failure to submit a disinfectant level quarterly operating report for the third quarter of 2013 through the first quarter of 2015 and the failure to collect routine coliform distribution samples for the month of May 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 8

720 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$400

Eight single events are recommended (one for each notification).

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$806

This violation Final Assessed Penalty (adjusted for limits) \$806

Economic Benefit Worksheet

Respondent OAK TERRACE ESTATES, INC. and Robert M. Smith
Case ID No. 51660
Reg. Ent. Reference No. RN102673902
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	\$100	9-Nov-2015	7-Jul-2016	0.66	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	10-Jan-2014	7-Jul-2016	2.49	\$25	n/a	\$25

Notes for DELAYED costs

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

The other delayed costs include the estimated amount to ensure that all required public notifications (\$25 per notification x eight 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 first 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

\$300

TOTAL

\$28

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

Compliance History Report for CN604400051, RN102673902, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN604400051, OAK TERRACE ESTATES, INC. **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN102673902, Oak Terrace Estates Water System **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: INTERSECTION OF OAK CREST DR AND LIVELY OAK ST, LIVINGSTON, POLK COUNTY, TX

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1870055
UTILITIES REGISTRATION 10116

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

Date Compliance History Report Prepared: December 01, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 01, 2010 to December 01, 2015

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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:** 08/07/2014 **ADMINORDER** 2012-1478-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)

Description: Failed to issue a boil water notification within 24 hours using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)(4)

Description: Failed to locate the water line a minimum of 24 inches below the ground surface.

2 **Effective Date:** 06/25/2015 **ADMINORDER** 2013-2199-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate
Citation: TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2011 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2011 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2013 within the required timeline.

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: 12/01/2014**(1185186)**

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failure to maintain water works operation and maintenance records and make them available for review to Commission personnel during the investigation. Specifically, records of the amount of each chemical used each week, complaints received by the system, the dates dead end mains were flushed, copies of boil water notices issued, and the disinfectant residual monitoring results from the distribution system were not available for review.

2 Date: 02/05/2015**(1293384)**

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: DLQOR MR PN 2Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 2nd quarter of 2014.

- 3 Date: 04/30/2015 (1293384)**
 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: DLQOR MR PN 3Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 3rd quarter of 2014.
- 4 Date: 08/03/2015 (1293384)**
 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: DLQOR MR PN 4Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 4th quarter of 2014.
- 5 Date: 08/06/2015 (1260550)**
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ii)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
 Description: Failure to maintain water works operation and maintenance records and make them available for review to Commission personnel during the investigation. Specifically, records of the amount of each chemical used each week, complaints received by the system, the dates dead end mains were flushed, copies of boil water notices issued, and the disinfectant residual monitoring results from the distribution system were not available for review.
- 6 Date: 10/05/2015 (1293384)**
 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: DLQOR MR PN 1Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 1st quarter of 2015.
- 7 Date: 11/05/2015 (1293384)**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
 Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015 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

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

Compliance History Report for CN602391799, RN102673902, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN602391799, Robert M. Smith **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN102673902, Oak Terrace Estates Water System **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: INTERSECTION OF OAK CREST DR AND LIVELY OAK ST, LIVINGSTON, POLK COUNTY, TX

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1870055
UTILITIES REGISTRATION 10116

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

Date Compliance History Report Prepared: December 01, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 01, 2010 to December 01, 2015

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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:** 08/07/2014 **ADMINORDER 2012-1478-PWS-E (1660 Order-Agreed Order With Denial)**
 - Classification:** Moderate
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Description:** Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times
 - Classification:** Major
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
 - Description:** Failed to issue a boil water notification within 24 hours using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e)
 - Classification:** Moderate
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 - Description:** Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition
 - Classification:** Minor
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.44(a)(4)
 - Description:** Failed to locate the water line a minimum of 24 inches below the ground surface.
- 2 **Effective Date:** 06/25/2015 **ADMINORDER 2013-2199-PWS-E (1660 Order-Agreed Order With Denial)**
 - Classification:** Moderate
 - Citation:** 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
 - Description:** CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.
 - Classification:** Moderate
 - Citation:** 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
 - Description:** CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate
Citation: TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2011 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2011 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2013 within the required timeline.

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: 12/01/2014**(1185186)**

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failure to maintain water works operation and maintenance records and make them available for review to Commission personnel during the investigation. Specifically, records of the amount of each chemical used each week, complaints received by the system, the dates dead end mains were flushed, copies of boil water notices issued, and the disinfectant residual monitoring results from the distribution system were not available for review.

2 Date: 02/05/2015**(1293384)**

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: DLQOR MR PN 2Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 2nd quarter of 2014.

- 3 Date: 04/30/2015 (1293384)**
 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: DLQOR MR PN 3Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 3rd quarter of 2014.
- 4 Date: 08/03/2015 (1293384)**
 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: DLQOR MR PN 4Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 4th quarter of 2014.
- 5 Date: 08/06/2015 (1260550)**
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ii)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
 Description: Failure to maintain water works operation and maintenance records and make them available for review to Commission personnel during the investigation. Specifically, records of the amount of each chemical used each week, complaints received by the system, the dates dead end mains were flushed, copies of boil water notices issued, and the disinfectant residual monitoring results from the distribution system were not available for review.
- 6 Date: 10/05/2015 (1293384)**
 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: DLQOR MR PN 1Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation for the 1st quarter of 2015.
- 7 Date: 11/05/2015 (1293384)**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
 Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015 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
OAK TERRACE ESTATES, INC.
AND ROBERT M. SMITH;
RN102673902**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2015-1830-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding OAK TERRACE ESTATES, INC. and Robert M. Smith ("Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents, represented by Timothy Karczewski of the law firm Skelton, Slusher, Barnhill, Watkins, and Wells PLLC, presented this Order to the Commission.

Respondents understand that they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondents agree to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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

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

FINDINGS OF FACT

1. Respondents own and operate a public water system located at the intersection of Oak Crest Drive and Lively Oak Street in Livingston, Polk County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 117 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 from November 9, 2015 through November 20, 2015, TCEQ Staff documented that Respondents:
 - a. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit

the results to the Executive Director for the January 1, 2013 through December 31, 2015 monitoring period; and

- b. Failed to provide public notification or submit a copy of the public notification to the Executive Director regarding the failure to submit a disinfectant level quarterly operating report for the third quarter of 2013 through the first quarter of 2015 and the failure to collect routine coliform distribution samples for the month of May 2014.
3. The Executive Director recognizes that on June 15, 2016, Public Utility Commission Administrative Law Judge Susan E. Goodson approved the sale and transfer of the Facility and certificate rights from Respondents to Monarch Utilities I, L.P. ("Monarch"). Respondents completed the transfer of these assets to Monarch on July 15, 2016.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondents failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(C) and (i)(1).
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to provide public notification or submit a copy of the public notification to the Executive Director regarding the failure to submit a disinfectant level quarterly operating report and the failure to collect routine coliform distribution samples, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ has the authority to assess an administrative penalty against Respondents 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.
5. An administrative penalty in the amount of one thousand one hundred seven dollars (\$1,107.00) 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). Respondents paid one hundred seven dollars (\$107.00) of the penalty. The remaining amount of one thousand dollars (\$1,000.00) shall be paid in ten (10) monthly payments of one hundred dollars (\$100.00) 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 the penalty is paid in full. If Respondents fail to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondents' failure to

meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondents to timely and satisfactorily comply with all the terms of this Order.

ORDERING PROVISIONS

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

1. Respondents are assessed an administrative penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondents' compliance with all 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. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: OAK TERRACE ESTATES, INC. and Robert M. Smith, Docket No. 2015-1830-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
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive 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. This Order, issued by the Commission, shall not be admissible against Respondents in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondents have not complied with one or more of the terms or conditions in this Order.

6. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
7. 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

OAK TERRACE ESTATES, INC. and Robert M. Smith
TCEQ Docket No. 2015-1830-PWS-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

M. Sweeney

September 30, 2016

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Robert M. Smith

7/27/16

Signature - Robert M. Smith, Director
OAK TERRACE ESTATES, INC.
207 South Washington
Livingston, TX 77351 USA

Date

Robert M. Smith

7/27/16

Signature - Robert M. Smith, Individually
207 South Washington
Livingston, TX 77351 USA

Date

If mailing address has changed, please check this box and provide the new address below:
