EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 59958 Lakeview Water Supply & Sewer Service Corporation RN101278307 Docket No. 2020-1330-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

approximately 0.17 miles north of the intersection of County Road 14 and Farm-to-Market Road 3517, near Lakeview, Hill County

Type of Operation:

public water system

Other Significant Matters:

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

Texas Register Publication Date: May 27, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed: \$2,300

Amount Deferred for Naturally Occurring

Constituent: \$1,725

Total Paid to General Revenue: \$575 **Total Due to General Revenue:** \$0

Compliance History Classifications:

Person/CN - Unclassified Site/RN - Unclassified

Major Source: No Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: September 28, 2020 through October 9, 2020

Date(s) of NOV(s): February 3, 2020; July 2, 2020; September 21, 2020

Date(s) of NOE(s): October 9, 2020

EXECUTIVE SUMMARY - ENFORCEMENT MATTER - CASE No. 59958 Lakeview Water Supply & Sewer Service Corporation RN101278307 Docket No. 2020-1330-PWS-E

Violation Information

- 1. Failed to comply with the acute maximum contaminant level ("MCL") of 10 milligrams per liter ("mg/L") for nitrate [Tex. Health & Safety Code § 341.031(a) and 30 Tex. Admin. Code § 290.106(f)(2)].
- 2. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2020 [30 Tex. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
- 3. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples at the required sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018, through December 31, 2018 monitoring period [30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

- 1. Within 30 days:
 - a. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples at the required sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018, through December 31, 2018 monitoring period; and
 - b. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLOORs.
- 2. Within 45 days, submit written certification to demonstrate compliance for Technical Requirements 1.a. and 1.b.
- 3. Within 90 days, begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter.
- 4. Within 180 days, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days after the effective date of this order with the acute MCL for nitrate.
- 5. Within 195 days, submit written certification to demonstrate compliance for Technical Requirements 3 and 4.
- 6. Within 365 days, and on a semi-annual basis thereafter, submit progress reports that shall include information regarding actions taken to provide water which meets the acute MCL for nitrate.
- 7. Within 1,095 days, return to compliance with the acute MCL for nitrate based on the single sample concentration.
- 8. Within 1,110 days, submit written certification to demonstrate compliance for Technical Requirement 7.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 59958 Lakeview Water Supply & Sewer Service Corporation RN101278307 Docket No. 2020-1330-PWS-E

Contact Information

TCEQ Attorneys: Benjamin Pence, Litigation Division, (512) 239-3400

Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

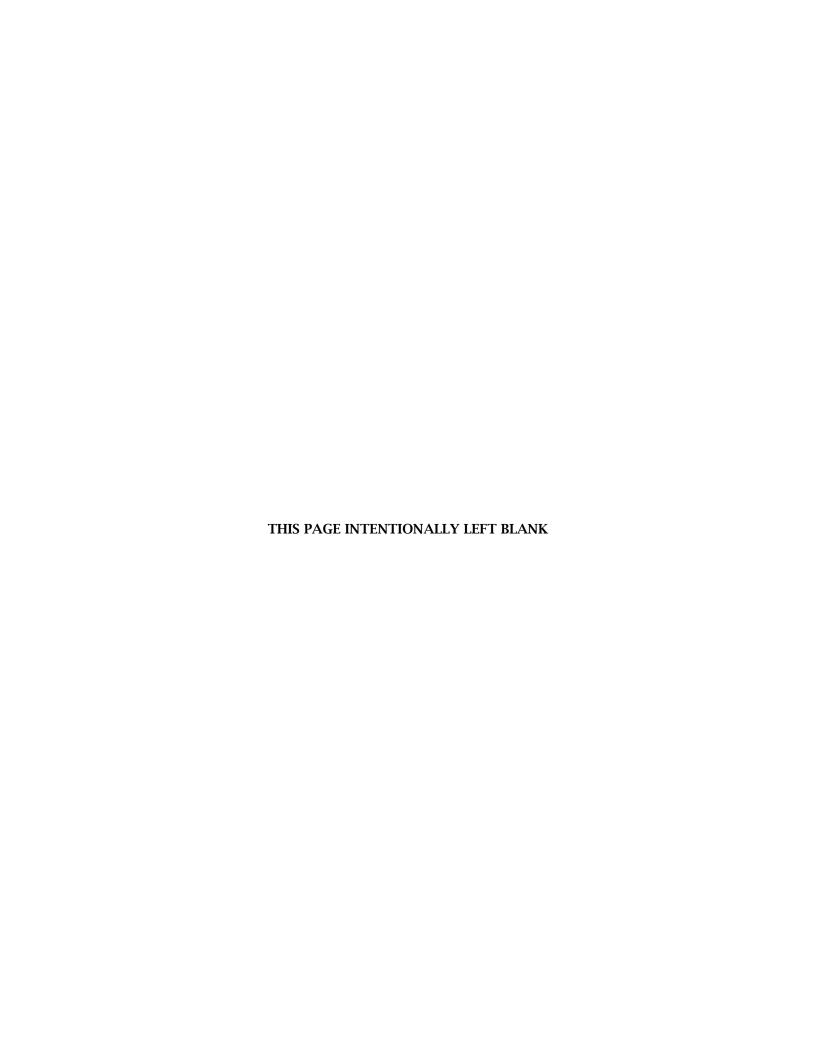
TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, (361) 825-3421

TCEQ Regional Contact: Guy Wilkins, Amarillo Regional Office, (806) 353-9251

Respondent Contact: Kelly Clark, President, Lakeview Water Supply & Sewer Service Corporation,

P.O. Box 60, Lakeview, Texas 79239

Respondent's Attorney: N/A





Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) PCW Revision September 1, 2019

DATES

Assigned 12-Oct-2020 PCW 14-Feb-2022

Screening 12-Oct-2020 **EPA Due** 31-Dec-2020

RESPONDENT/FACILITY INFORMATION							
Respondent	Lakeview Water Supply & Sewer Service Cor	poration					
Reg. Ent. Ref. No.			Ī				
Facility/Site Region	1-Amarillo	Major/Minor Source Minor					

CASE INFORMATION	
Enf./Case ID No. 59958	No. of Violations 1
Docket No. 2020-1330-PWS-E	Order Type Findings
Media Program(s) Public Water Supply	Government/Non-Profit Yes
Multi-Media	Enf. Coordinator Epifanio Villarreal
	EC's Team Enforcement Team 8
Admin. Penalty \$ Limit Minimum \$50 Maximum	\$5,000

TOTAL BASE PENALTY (Sum of violation base penalties) ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 15.0% Adjustment Subtotals 2, 3, & 7 \$2 Notes Enhancement for three NOVs with the same/similar violations. Culpability No 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 Estimated Cost of Compliance \$10,279				Penalty (Calcula	tion Section	on	
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	PAYA	BLE PENALT	Υ					\$0

Screening Date 12-Oct-2020

Docket No. 2020-1330-PWS-E

PCW

Respondent Lakeview Water Supply & Sewer Service Corporation

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Case ID No. 59958

Reg. Ent. Reference No. RN101278307

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

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 Convictions Any criminal convictions of this state or the federal government (number of counts) Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program Adjustment Percentage (Subtotal 2) Adjustment Percentage (Subtotal 2) Papliance History Person Classification (Subtotal 7) Unclassified Adjustment Percentage (Subtotal 7)	omponent	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.					
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		Total Compliance History Adjustment Percentage (S	Subtotals 2,	- 3, & 7)					
		Final Adjustment Percenta	age *capped	at 100%					

	Scree	ening Date	12-Oct-2020		Doc	ket No. 2020-1330-PWS-	-E	PCW
		•	Lakeview Wate	r Supply & Sev	ver Service C	orporation	Policy	Revision 4 (April 2014)
_		ase ID No.					PCW Revi	sion September 1, 2019
Reg.	Ent. Refe		RN101278307					
	Enf C		Public Water Su					
		tion Number	Epifanio Villarre	eai I				
	Viola							
		Rule Cite(s)				de § 290.106(f)(2) ety Code § 341.031(a)		
				and rex. i	icaitii & Saic	ety Code 9 541.051(a)		
						num contaminant level ("MC		
	Violation	Description	-			rate. Specifically, the single and the single and the single are single and the single are single.		
			Concen	tration for mitr	ate was II II	ig/L for the third quarter of	2020.	
						E	Base Penalty	\$5,000
=	-						- '	
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		Release	Major	Moderate	Minor			
OR		Actual	Х					
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> > D		i - Maduin						
>>Prog	grammat	ric Matrix Falsification	Major	Moderate	Minor			
	Ī	· a.ocac.o	aje.	11000.000		Percent 0.0	1%	
	-							1
	Matrix	Exceeding th	e acute MCL for	nitrate cause	d the persons	s served by the Facility to be	exposed to	
	Notes	Exceeding th				ective of human health.	exposed to	
	L							
						Adjustment	\$3,500]
								+4 500
								\$1,500
Violatio	on Events	S						
			[F			
		Number of \	iolation Events	1	L	Number of violati	on days	
			daily					
			weekly					
			monthly					
			quarterly	Х		Violation E	Base Penalty	\$1,500
			semiannual					
			annual single event					
			single event					
				One quarterly	event is reco	mmended.		
	L							
Good F	aith Effo	rts to Com		0.0%			Reduction	\$0
				sefore NOE/NOV	NOE/NOV to ED	PRP/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	X				
			Notes	The Responde		meet the good faith criteria	f <mark>or</mark>	
					triis \	violation.		
			•			Violat	ion Subtatal	#1 F00
						violat	ion Subtotal	\$1,500
Econon	nic Benef	fit (EB) for	this violation	on		Statutory Lir	nit Test	
		Estimate	ed EB Amount		\$10,279	Violation Final P	enalty Total	\$1,725
			'	Th!! - !				
				i his viola	ition Final A	ssessed Penalty (adjuste	a for limits)	\$1,725

	F	conomic	Renefit	Woi	rksheet		
Dosnandant		er Supply & Sewer			KSIICCL		
		er Suppry & Sewer	Service Corpor	ation			
Case ID No.							
Reg. Ent. Reference No.							
Media	Public Water S	Supply				Percent Interest	Years of
Violation No.	1					r creent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
· · ·	Item Cost	Date Required	rillai Date	113	Tillerest Saveu	Costs Saveu	LB Alliount
Item Description							
Delayed Costs		10		0.00	+0	1 +0	+0
Equipment				0.00	\$0	\$0	\$0
Buildings	±40.000	20.0 2020	1 1 2024	0.00	\$0	\$0	\$0
Other (as needed)	\$40,000	30-Sep-2020	1-Jun-2024	3.67	\$489	\$9,790	\$10,279
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal						n/a	
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs		ons to return to co	ompliance with	the acu	te MCL for nitrate,	fy, and implement the calculated from the ate of compliance.	
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	r one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$40,000			TOTAL		\$10,279



Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

Assigned 12-0ct-2020

PCW	12-Oct-2020	Screening	12-Oct-2020	EPA Due 3	1-Dec-2020			
•								
RESPONDENT/FACILITY								
Respondent	Lakeview Water	Supply & Sev	ver Service Cor	poration				
Reg. Ent. Ref. No.	RN101278307							
Facility/Site Region	1-Amarillo			Major/Mi	nor Source	Minor		
CASE INFORMATION								
Enf./Case ID No.	59958			No. of	Violations	2		
Docket No.	2020-1330-PWS	-E		•	Order Type	Findings		
Media Program(s)	Public Water Sup	oply		Government/	Non-Profit	Yes		
Multi-Media						Epifanio Villarr		
_	_		_		EC's Team	Enforcement T	eam 8	
Admin. Penalty \$ L	imit Minimum	\$50	Maximum	\$5,000				
•			•	•				
Penalty Calculation Section								
TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$50								

				Penalty	Calcula	tion Secti	on		
TOTA	L BASE PENA	ALTY	(Sum of	violation ba	se penal	ties)		Subtotal 1	\$500
ADJU	ISTMENTS (+ Subtotals 2-7 are o	/-) To	O SUBTO	TAL 1 the Total Base Pena	alty (Subtotal 1	.) by the indicated	percentage.		
	Compliance H		, , , ,		15.0%	Adjustment		otals 2, 3, & 7	\$75
	Notes	E	Enhanceme	nt for three NO	Vs with the	same/similar vi	iolations.		
	Culpability	No			0.0%	Enhancement		Subtotal 4	\$0
	Notes		The Res	pondent does r	not meet the	culpability crit	eria.		
	Good Faith Eff	ort to	Comply To	tal Adjustmer	nts			Subtotal 5	\$0
				-					
	Economic Ben	efit			0.0%	Enhancement*		Subtotal 6	\$0
	Estimated		B Amounts Compliance	\$30 \$192	*Сарре	d at the Total EB \$	Amount		
SUM	OF SUBTOTA	LS 1-	7					Final Subtotal	\$575
	R FACTORS A				E	0.0%		Adjustment	\$0
	Notes								
							Final Pe	enalty Amount	\$575
STAT	UTORY LIMI	T ADJ	USTMEN	т			Final Ass	essed Penalty	\$575
DEFE	RRAL					0.0%	Reduction	Adjustment	\$0
Reduces	the Final Assessed Po	enalty by	the indicated	percentage.					-
	Notes		No de	eferral is recom	mended for	Findings Order	s.		
DAVA	BLE PENALT	V						_	\$575
LAIN	DLL FLIME!								4373

Screening Date 12-Oct-2020

Docket No. 2020-1330-PWS-E

PCW

Respondent Lakeview Water Supply & Sewer Service Corporation

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Case ID No. 59958

Reg. Ent. Reference No. RN101278307

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

> Co	mpliance Hist	Compliance History Worksheet ory Site Enhancement (Subtotal 2)		
	Component	Number of	Number	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>)	3	15%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	and Consent Decrees	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 (number of events)	0	0%
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	5 5.	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 Pero	centage (Sul	btotal 2) 15
Re	peat Violator	(Subtotal 3)		
	No	Adjustment Pero	centage (Sul	btotal 3) 0º
Co	mpliance Hist	ory Person Classification (Subtotal 7)		
	Unclass	ified Adjustment Pero	centage (Sul	btotal 7) 0°
- Co	mpliance Hist	ory Summary		
	Compliance History Notes	Enhancement for three NOVs with the same/similar violations.		
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) 15
E:	. Commellana			

	Scree	ening Date	12-Oct-2020		Dock	cet No. 2020-1330-PWS-E		PCW
			Lakeview Wate	r Supply & Sev	ver Service Co	rporation	Policy	Revision 4 (April 2014)
		ase ID No.					PCW Revis	sion September 1, 2019
Reg.	Ent. Refe		RN101278307					
			Public Water Su					
			Epifanio Villarre	eal 1				
	Viola	tion Number	1					1
		Rule Cite(s)		30 Tex. Admi	n. Code § 290	.110(e)(4)(A) and (f)(3)		
			Failed to subn	nit a Disinfectio	on Level Quart	ely Operating Report ("DLQO	R") to the	
	Violation	Description				month following the end of ea		
				fo	r the first qua	rter of 2020.		
		•				_		15.000
						Bas	e Penalty	\$5,000
>> Env	/ironmen	tal, Proper	ty and Hum	an Health	Matrix			
		_		Harm			I	
		Release	Major	Moderate	Minor			
OR		Actual				D	1	
		Potential				Percent 0.0%		
>>Proc	grammat	ic Matrix						
,,,,,,		Falsification	Major	Moderate	Minor			
	<u> </u>		Х			Percent 5.0%		
								1
	Matrix							
	Notes		100	% of the rule	requirements	were not met.		
	L							
						Adjustment	\$4,750	
						Aujuotinent	ψ1,750	
								\$250
Violatio	on Events	•						
Violatic	DII EVEIIC	•						
		Number of V	iolation Events/	1		185 Number of violation	days	
		_						
			daily					
			weekly					
			monthly quarterly			Violation Bas	o Donalty	\$250
			semiannual			Violation bas	e renaity	Ψ230
			annual					
			single event	Х				
	TE							1
				0				
				One single e	vent is recomr	nienueu.		
	<u> </u>							
Good F	aith Effo	rts to Com		0.0%			Reduction	\$0
				Before NOE/NOV	NOE/NOV to EDP	PRP/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	Х			Ī	
			Notes	The Responde		neet the good faith criteria for		
			110103		this vi	olation.		
			L	-			1	
						Violation	1 Subtotal	\$250
Econor	nic Benef	fit (FR) for	this violation	on		Statutory Limi	t Test	
	c Delle						_	
		Estimate	ed EB Amount		\$28	Violation Final Pen	alty Total	\$288
				This viola	tion Final As	sessed Penalty (adjusted t	for limits)	\$288
				41010		Sharty (aujusteu		Ψ200

	E	conomic	Benefit	Wo	rksheet		
Respondent	Lakeview Wate	er Supply & Sewe	r Service Corpo	ation			
Case ID No.		,					
Reg. Ent. Reference No.							
	Public Water S	upply					Years of
Violation No.		арріу				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	28-Sep-2020	1-Jun-2021	0.67	\$2	n/a	\$2
Training/Sampling	\$100	28-Sep-2020	1-Jun-2021	0.67	\$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 Facility's	perational guidar	nce and conduct	employ	yee training to ens the record review	the estimated amount cure that all DLQORs date to the estimate	are submitted
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$22	10-Apr-2020	12-Oct-2020	0.51	\$1	\$22	\$23
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs					•	t a DLQOR (\$22 per r of 2020 to the dat	-
Approx. Cost of Compliance		\$167			TOTAL		\$28

	Screening Date		PCW
	Case ID No.		Policy Revision 4 (April 2014) Revision September 1, 2019
Reg.	Ent. Reference No.		cerision coptember 1, 2013
		Public Water Supply	
	Enf. Coordinator	Epifanio Villarreal	
	Violation Number	2	_
	Rule Cite(s)	30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)	
		Fell discounties with the second seco	
		Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director	
	Violation Description	regarding the failure to collect lead and copper tap samples at the required samp	le
		sites, have the samples analyzed, and report the results to the Executive Director	o <mark>r</mark>
		for the January 1, 2018 through December 31, 2018 monitoring period.	
	'	Page Dave	#ne #F 000
		Base Pena	lty \$5,000
>> En	vironmental, Proper	ty and Human Health Matrix	
	Release	Harm Major Moderate Minor	
OR	Actual	Hajor Hoderate Hillor	
	Potential	Percent 0.0%	
_			
>>Pro	grammatic Matrix Falsification	Maior Moderate Minor	
	raisilication	Major Moderate Minor x Percent 5.0%	
		X 1 01 00 110 5.0 70	
	Matrix Notes	100% of the rule requirements were not met.	
	Notes		
		Adjustment \$4,7	7E0
		Adjustment \$4,7	30
			\$250
Violati	on Events		
Violati	On Evenes		
	Number of \	iolation Events 1 276 Number of violation days	
		daily	
		weekly	
		monthly	
		quarterly Violation Base Pena	lty \$250
		semiannual	
		annual cingle event	
		single event x	
		One single event is recommended.	
Good F	aith Efforts to Com		ion \$0
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	
		Ordinary	
		N/A x	
		Notes The Respondent does not meet the good faith criteria for this violation.	
		tins violation.	
		Violation Subto	tal \$250
_			Ψ230
Econo	mic Benefit (EB) for	this violation Statutory Limit Test	
	Estimate	d EB Amount \$2 Violation Final Penalty To	tal \$288
		This violation Final Assessed Penalty (adjusted for limit	ts) \$288
		inis violation rinal Assessed Penalty (adjusted for limit	\$288

	F	conomic	Renefit	Wo	rksheet		
Desnondent		er Supply & Sewe			RSHEEL		
Case ID No.		er Suppry & Sewer	Service Corpo	acion			
Reg. Ent. Reference No.							
							V
медіа Violation No.	Public Water S 2	supply				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Description							
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	+25	20.12020	1.1 2021	0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Jan-2020	1-Jun-2021	1.36	\$2	n/a	\$2
Notes for DELAYED costs	The delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the public notification to the estimated date of compliance.						
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		<u> </u>		0.00	1 \$0	\$0	\$0
Approx. Cost of Compliance		\$25			TOTAL		\$2



Compliance History Report

Compliance History Report for CN600627848, RN101278307, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or CN600627848, Lakeview Water Supply &

Owner/Operator: Sewer Service Corporation

RN101278307, LAKEVIEW WSC Classification: UNCLASSIFIED Rating: -----

Classification: UNCLASSIFIED

Rating: -----

Complexity Points: 0 Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: Approximately 0.17 miles north of the intersection of County Road 14 and Farm-to-Market Road 3517 near

Lakeview, Hall County, Texas

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

Regulated Entity:

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0960014 WATER LICENSING LICENSE 0960014

WASTEWATER PERMIT WQG100024

Compliance History Period: September 01, 2015 to August 31, 2020 Rating Year: 2020 Rating Date: 09/01/2020

Date Compliance History Report Prepared: October 12, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 12, 2015 to October 12, 2020

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

Name: EPIFANIO VILLARREAL Phone: (361) 825-3421

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?

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

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

N/A

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: 02/03/2020 (1679421)

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: LCR RD MR PN YR2018 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 $\S290.122$ during the time period that public notice

was required for a distribution lead and copper reduced

monitoring and reporting violation for the annual reduced monitoring period from 01/01/2018 to 12/31/2018.

2 Date: 07/02/2020 (1679421)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2020 - The system failed to monitor and/or report distribution

disinfectant residuals to the TCEQ for the first quarter of 2020 within the required

timeline.

3 Date: 09/21/2020 (1679421)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)

Description: NO3 AMCL 3Q2020 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen)

with a sample result of 11 mg/L collected on 09/17/2020.

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 10/12/2015 and 10/12/2020

1 02/28/2018 (1461004)Date:

> Self Report? Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(a)

The facility failed to submit plans and specifications prior to the construction of the Description:

system reverse osmosis plant.

TWC Chapter 26 26.121 Self Report? Classification:

Citation:

The facility failed to receive authorization prior to the discharge of wastewater into or Description:

adjacent to waters of the state. Specifically, wastewater was observed discharging

from the facility's reverse osmosis plant evaporation pond.

2* Date: 02/03/2020 (1679421)

Informational PClassification: Self Report? NO Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

LCR RD MR PN YR2018 Posting and Reporting Violation - Failure to submit a signed Description:

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 distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2018 to 12/31/2018.

3* Date: 07/02/2020 (1679421)

> Classification: Self Report? NO

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

30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

DLOOR MR 102020 - The system failed to monitor and/or report distribution Description:

disinfectant residuals to the TCEQ for the first quarter of 2020 within the required

timeline.

4 Date: 09/21/2020 (1679421)

> Self Report? Classification: Informational

30 TAC Chapter 290, SubChapter F 290.106(f)(2) Citation:

Description: NO3 AMCL 3Q2020 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen)

with a sample result of 11 mg/L collected on 09/17/2020.

Appendix B

All Investigations Conducted During Component Period October 12, 2015 and October 12, 2020

Item 1	February 28, 2018**	For (1461004) mational Purposes Only
Item 2		For (1511135) mational Purposes Only
Item 3	October 06, 2020	For (1679421) mational Purposes Only
Item 4	October 09, 2020	For (1679572) mational Purposes Only

^{*} No violations documented during this investigation

^{*} NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
LAKEVIEW WATER SUPPLY & SEWER
SERVICE CORPORATION;
RN101278307

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2020-1330-PWS-E

On _________, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lakeview Water Supply & Sewer Service Corporation ("Respondent") under the authority of Tex. Health & Safety Code ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has 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, Respondent agrees 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 Respondent.

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

FINDINGS OF FACT

- 1. Respondent owns and operates a public water system located approximately 0.17 miles north of the intersection of County Road 14 and Farm-to-Market Road 3517 near Lakeview, Hill County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 54 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(71).
- 2. During a record review conducted from September 28, 2020 through October 9, 2020, an investigator documented that Respondent:
 - a. Failed to comply with the acute maximum contaminant level ("MCL") of 10 milligrams per liter ("mg/L") for nitrate. Specifically, the single sample concentration for nitrate was 11 mg/L for the third quarter of 2020;
 - b. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2020;
 - c. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples at the required sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period.

CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a., Respondent failed to comply with the MCL of 10 mg/L for nitrate, in violation of Tex. Health & Safety Code § 341.031(a) and 30 Tex. Admin. Code § 290.106(f)(2).
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2020, in violation of 30 Tex. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
- 4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples at the required sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period, in violation of 30 Tex. ADMIN. CODE § 290.122(c)(2)(A) and (f).
- 5. Pursuant to Tex. Health & Safety Code § 341.049(a), TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 6. An administrative penalty in the amount of two thousand three hundred dollars (\$2,300.00) 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). Respondent paid five hundred seventy-five dollars (\$575.00) of the penalty. The TCEQ has determined that the administrative penalty associated with Conclusion of Law No. 2.a. of this Order qualifies for a 100 percent deferral. Therefore, the remaining amount of one thousand seven hundred twenty-five dollars (\$1,725.00) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred penalty.

ORDERING PROVISIONS

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

- 1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 6 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's 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.
- 2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples at the required sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period, in accordance with 30 Tex. ADMIN. CODE § 290.122; and

- ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 Tex. Admin. Code § 290.110.
- b. Within 45 days after the effective date of the Commission Order, submit written certification as described in Ordering Provision No. 2.i. below, to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii.
- c. Within 90 days after the effective date of this Order, begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter, in accordance with 30 Tex. Admin. Code § 290.110. The provision will be satisfied upon one quarter of compliant reporting. DLQORs shall be submitted to:

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

- d. Within 180 days after the effective date of this Order, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days after the effective date of this order with the acute MCL for nitrate to the addresses listed in Ordering Provision No. 2.i.
- e. Within 195 days after the effective date of this Order, submit written certification in accordance with Ordering Provision No. 2.i., to demonstrate compliance with Ordering Provisions Nos. 2.c. and 2.d.
- f. Within 365 days after the effective date of this Order and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.i. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate.
- g. Within 1,095 days after the effective date of this Order, return to compliance with the acute MCL for nitrate based on the single sample concentration, in accordance with 30 Tex. Admin. Code § 290.106.
- h. Within 1,110 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.i., to demonstrate compliance with Ordering Provision No. 2.g.
- i. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

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

and:

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

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 6. This Order, issued by the Commission, shall not be admissible against Respondent 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 Respondent has not complied with one or more of the terms or conditions in this Order.
- 7. 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.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. 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

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- terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.
- 10. 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.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	6/20/22
I, the undersigned, have read and un the attached Order, and I do agree to acknowledge that the TCEQ, in accep on such representation.	derstand the attached Order. I am authorized to agree to the terms and conditions specified therein. I further offing payment for the penalty amount, is materially relying
l also understand that failure to com to timely pay the penalty amount ma	ply with the Ordering Provisions in this Order and/or failure
 A negative impact on compliance 	· · · · · · · · · · · · · · · · · · ·
 Greater scrutiny of any permit ap 	
 Referral of this case to the Attorn 	ney General's office for contempt, injunctive relief, ney fees, or to a collection agency;
 Increased penalties in any future 	enforcement actions:
 Automatic referral to the Attorne 	y General's office of any future enforcement actions; and
 TCEQ seeking other relief as author 	orized by law
In addition, I understand that any fals criminal prosecution.	sification of any compliance documents may result in
Signature - Kelly Clark, President	Date 13. 22
lakeview Water Supply & Sewer Service. 3.0. Box 60	e Corporation
Lakeview, Texas 79239	
□ If mailing address has changed, pl	ease check this box and provide the new address below: