

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

**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 DLQORs.
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

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**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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

<b>DATES</b>	<b>Assigned</b>	12-Oct-2020	<b>Screening</b>	12-Oct-2020	<b>EPA Due</b>	31-Dec-2020
	<b>PCW</b>	14-Feb-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Lakeview Water Supply & Sewer Service Corporation
<b>Reg. Ent. Ref. No.</b>	RN101278307
<b>Facility/Site Region</b>	1-Amarillo
<b>Major/Minor Source</b>	Minor

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

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	15.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$225
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<b>Notes</b>	Enhancement for three NOVs with the same/similar violations.
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<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$10,279	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$40,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,725
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$1,725
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,725
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<b>DEFERRAL</b>	100.0%	Reduction	Adjustment	-\$1,725
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	The Executive Director recommends a conditional deferral for naturally occurring constituents.
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<b>PAYABLE PENALTY</b>	\$0
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<b>Screening Date</b>	12-Oct-2020	<b>Docket No.</b>	2020-1330-PWS-E	<b>PCW</b>
<b>Respondent</b>	Lakeview Water Supply & Sewer Service Corporation			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59958			<i>PCW Revision September 1, 2019</i>
<b>Reg. Ent. Reference No.</b>	RN101278307			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Compliance History Worksheet**

**>> Compliance History 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%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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%
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)** 15%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes** Enhancement for three NOVs with the same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 15%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 15%

<b>Screening Date</b>	12-Oct-2020	<b>Docket No.</b>	2020-1330-PWS-E	<b>PCW</b>
<b>Respondent</b>	Lakeview Water Supply & Sewer Service Corporation			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59958			<i>PCW Revision September 1, 2019</i>
<b>Reg. Ent. Reference No.</b>	RN101278307			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.106(f)(2) and Tex. Health & Safety Code § 341.031(a)			
<b>Violation Description</b>	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>Base Penalty</b>	\$5,000	

>> Environmental, Property and Human Health Matrix

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	x			<b>Percent</b> 30.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%
<b>Matrix Notes</b>	Exceeding the acute MCL for nitrate caused the persons served by the Facility to be exposed to contaminants which exceed levels protective of human health.				

**Adjustment** \$3,500

\$1,500

Violation Events

Number of Violation Events   Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,500

One quarterly event is recommended.

Good Faith Efforts to Comply  Reduction \$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.

**Violation Subtotal** \$1,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

**Estimated EB Amount** \$10,279 **Violation Final Penalty Total** \$1,725

**This violation Final Assessed Penalty (adjusted for limits)** \$1,725

## Economic Benefit Worksheet

**Respondent** Lakeview Water Supply & Sewer Service Corporation  
**Case ID No.** 59958  
**Reg. Ent. Reference No.** RN101278307  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				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	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the acute MCL for nitrate, calculated from the last day of the monitoring period of noncompliance to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE 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				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

<b>DATES</b>	<b>Assigned</b>	12-Oct-2020	<b>Screening</b>	12-Oct-2020	<b>EPA Due</b>	31-Dec-2020
	<b>PCW</b>	12-Oct-2020				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Lakeview Water Supply & Sewer Service Corporation
<b>Reg. Ent. Ref. No.</b>	RN101278307
<b>Facility/Site Region</b>	1-Amarillo
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59958	<b>No. of Violations</b>	2
<b>Docket No.</b>	2020-1330-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	15.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$75
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Notes: Enhancement for three NOVs with the same/similar violations.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$30  
 Estimated Cost of Compliance: \$192  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$575
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$575
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$575
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$575
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<b>Screening Date</b>	12-Oct-2020	<b>Docket No.</b>	2020-1330-PWS-E	<b>PCW</b>
<b>Respondent</b>	Lakeview Water Supply & Sewer Service Corporation			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59958			<i>PCW Revision September 1, 2019</i>
<b>Reg. Ent. Reference No.</b>	RN101278307			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

### Compliance History Worksheet

**>> Compliance History 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%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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%
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)** 15%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for three NOVs with the same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 15%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 15%

<b>Screening Date</b>	12-Oct-2020	<b>Docket No.</b>	2020-1330-PWS-E	<b>PCW</b>
<b>Respondent</b>	Lakeview Water Supply & Sewer Service Corporation			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59958			<i>PCW Revision September 1, 2019</i>
<b>Reg. Ent. Reference No.</b>	RN101278307			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)			
<b>Violation Description</b>	Failed to submit a Disinfection Level Quartely 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.			
<b>Base Penalty</b>	\$5,000			

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>				<b>Percent</b>
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				0.0%

>> Programmatic Matrix

<b>Matrix Notes</b>	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
		x			
100% of the rule requirements were not met.					
<b>Adjustment</b>					\$4,750

\$250

Violation Events

Number of Violation Events  Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	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		
Ordinary		
N/A	x	

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Lakeview Water Supply & Sewer Service Corporation  
**Case ID No.** 59958  
**Reg. Ent. Reference No.** RN101278307  
**Media** Public Water Supply  
**Violation No.** 1

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

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$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 record keeping system and training/sampling delayed costs include the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE 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				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**

The avoided cost includes the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x one report), calculated from the date the report was due for the first quarter of 2020 to the date of screening.

Approx. Cost of Compliance

\$167

**TOTAL**

\$28

<b>Screening Date</b>	12-Oct-2020	<b>Docket No.</b>	2020-1330-PWS-E	<b>PCW</b>
<b>Respondent</b>	Lakeview Water Supply & Sewer Service Corporation			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59958			<i>PCW Revision September 1, 2019</i>
<b>Reg. Ent. Reference No.</b>	RN101278307			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
<input type="text" value="100% of the rule requirements were not met."/>					

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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 checked="" type="text" value="x"/>

**Violation Base Penalty**

**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 checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

**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** Lakeview Water Supply & Sewer Service Corporation  
**Case ID No.** 59958  
**Reg. Ent. Reference No.** RN101278307  
**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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

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

#### ANNUALIZE 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				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

\$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 Owner/Operator:** CN600627848, Lakeview Water Supply & Sewer Service Corporation      **Classification:** UNCLASSIFIED      **Rating:** -----

**Regulated Entity:** RN101278307, LAKEVIEW WSC      **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):**

**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? NO

**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 §290.122 during the time period that public notice was required for a distribution lead and copper reduced			







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

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.

Lakeview Water Supply & Sewer Service Corporation  
Docket No. 2020-1330-PWS-E  
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

*Erin E. Chanalloz*

6/20/22

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.

*Kelly Clark*

Signature - Kelly Clark, President  
Lakeview Water Supply & Sewer Service Corporation  
P.O. Box 60  
Lakeview, Texas 79239

4-13-22  
Date

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

\_\_\_\_\_