

Executive Summary – Enforcement Matter – Case No. 60223
Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba
Lakeside Water Supply 1
RN102688058
Docket No. 2021-0029-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Lakeside Water Supply 1, located two miles east of Colmesneil off of County Road 3215 near Colmesneil, Tyler County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 24, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,443

Total Paid to General Revenue: \$463

Total Due to General Revenue: \$14,980

Payment Plan: 35 payments of \$428 each

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 23, 2020 through December 11, 2020

Date(s) of NOE(s): December 12, 2020

Executive Summary – Enforcement Matter – Case No. 60223
Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba
Lakeside Water Supply 1
RN102688058
Docket No. 2021-0029-PWS-E

Violation Information

1. Failed to install an approved source water treatment and submit certification to the Executive Director ("ED") within 24 months after the ED approved optimal corrosion control treatment [30 TEX. ADMIN. CODE § 290.117(g)(2)(C) and (i)(8)].
2. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
3. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to conduct water quality parameter sampling and regarding the failure to conduct lead and copper tap sampling [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondents to:

- a. Within 30 days:
 - i. Install the approved source water treatment;
 - ii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, and January 1, 2020 through June 30, 2020 monitoring periods, and submit to the ED a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements; and
 - iii. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to conduct water quality parameter sampling for the January 1, 2017 through June 30, 2017 and July 1, 2017 through December 31, 2017 monitoring periods and regarding the

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Lakeside Water Supply 1
RN102688058
Docket No. 2021-0029-PWS-E

failure to conduct lead and copper tap sampling for the January 1, 2019 through June 30, 2019 monitoring period.

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Miles Wehner, Enforcement Division, Enforcement Team 8, MC 219, (512) 239-2813; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Danasa Rawls, Co-Owner, Lakeside Water Supply 1, P.O. Box 952, Colmesneil, Texas 75938

Thomas K. Rawls, Co-Owner, Lakeside Water Supply 1, P.O. Box 952, Colmesneil, Texas 75938

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	14-Dec-2020	Screening	21-Dec-2020	EPA Due	30-Jun-2019
	PCW	4-Jan-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 1)				
Reg. Ent. Ref. No.	RN102688058				
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	60223	No. of Violations	3
Docket No.	2021-0029-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miles Wehner
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$450
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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	17.0% Adjustment	Subtotals 2, 3, & 7	\$76
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Notes: Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$718
 Estimated Cost of Compliance: \$5,103
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$526
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$526
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$526
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DEFERRAL	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.

PAYABLE PENALTY	\$526
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Screening Date 21-Dec-2020

Docket No. 2021-0029-PWS-E

PCW

Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 1)

Case ID No. 60223

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102688058

Media Public Water Supply

Enf. Coordinator Miles Wehner

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	1	2%
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) 17%

>> 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 three NOVs with the same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 17%

Screening Date 21-Dec-2020 **Docket No.** 2021-0029-PWS-E **PCW**
Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba
Case ID No. Lakeside Water Supply 1 (PCW No. 1) *Policy Revision 4 (April 2014)*
Reg. Ent. Reference No. 60223 *PCW Revision March 26, 2014*
Media RN102688058
Enf. Coordinator Public Water Supply
Miles Wehner

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.117(i)(6) and (j)
Violation Description Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2018 through December 31, 2018 monitoring period.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 5.0%

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

Adjustment \$950
\$50

Violation Events

Number of Violation Events 1 631 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$50

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

Estimated EB Amount \$6 **Violation Final Penalty Total** \$59

This violation Final Assessed Penalty (adjusted for limits) \$59

Economic Benefit Worksheet

Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 1)
Case ID No. 60223
Reg. Ent. Reference No. RN102688058
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	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				0.00	\$0	n/a	\$0
Training/Sampling	\$53	31-Mar-2019	27-Jul-2021	2.33	\$6	n/a	\$6
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 prepare and mail the consumer notification for the July 1, 2018 through December 31, 2018 monitoring period to persons served at the locations which were sampled and to the TCEQ ((\$0.50 x five sampled locations + \$50) x one monitoring period), calculated from the date the consumer notification was due 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 \$53

TOTAL \$6

Screening Date 21-Dec-2020

Docket No. 2021-0029-PWS-E

PCW

Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Enf. Coordinator

Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 1)
60223
RN102688058
Public Water Supply
Miles Wehner

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number
Rule Cite(s)

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

Violation Description

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 conduct water quality parameter sampling for the January 1, 2017 through June 30, 2017 and July 1, 2017 through December 31, 2017 monitoring periods.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential				0.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		x			
100% of the rule requirements were not met.					

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 895 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events are recommended, one for each notification.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$117

This violation Final Assessed Penalty (adjusted for limits) \$117

Economic Benefit Worksheet

Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 1)
Case ID No. 60223
Reg. Ent. Reference No. RN102688058
Media Violation No. Public Water Supply 2

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)				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)	\$50	10-Jul-2018	27-Jul-2021	3.05	\$8	n/a	\$8

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x two notifications) are 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 earliest 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 \$50

TOTAL \$8

Screening Date 21-Dec-2020

Docket No. 2021-0029-PWS-E

PCW

Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60223

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102688058

Media Public Water Supply

Enf. Coordinator Miles Wehner

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.117(g)(2)(C) and (i)(8)

Violation Description Failed to install an approved source water treatment and submit certification to the Executive Director within 24 months after the Executive Director approved optimal corrosion control treatment on July 24, 2017.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Matrix Notes Failure to install source water treatment could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2 35 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$300

Two monthly events are recommended, calculated from the July 24, 2019 due date of treatment to August 31, 2019.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$704

Violation Final Penalty Total \$351

This violation Final Assessed Penalty (adjusted for limits) \$351

Economic Benefit Worksheet

Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 1)
Case ID No. 60223
Reg. Ent. Reference No. RN102688058
Media Violation No. Public Water Supply 3

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)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	24-Jul-2019	27-Jul-2021	2.01	\$34	\$670	\$704
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 install an approved source water treatment, calculated from the date the installation was due 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 \$5,000

TOTAL \$704



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	14-Dec-2020	Screening	21-Dec-2020	EPA Due	30-Jun-2019
	PCW	4-Jan-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 2)
Reg. Ent. Ref. No.	RN102688058
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60223	No. of Violations	3
Docket No.	2021-0029-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miles Wehner
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,750
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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	17.0% Adjustment	Subtotals 2, 3, & 7	\$2,167
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Notes: Enhancement for three NOV's with the same/similar violations and one NOV with dissimilar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$11
 Estimated Cost of Compliance: \$133
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,917
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$14,917
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,917
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DEFERRAL	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.

PAYABLE PENALTY	\$14,917
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Screening Date 21-Dec-2020

Docket No. 2021-0029-PWS-E

PCW

Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 2)

Respondent

Case ID No. 60223

Reg. Ent. Reference No. RN102688058

Media Public Water Supply

Enf. Coordinator Miles Wehner

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

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	1	2%
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) 17%

>> 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 three NOVs with the same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 17%

Screening Date 21-Dec-2020 **Docket No.** 2021-0029-PWS-E **PCW**
 Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba
 Lakeside Water Supply 1 (PCW No. 2) *Policy Revision 4 (April 2014)*
Case ID No. 60223 *PCW Revision September 1, 2019*
Reg. Ent. Reference No. RN102688058
Media Public Water Supply
Enf. Coordinator Miles Wehner

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.117(i)(6) and (j)
Violation Description Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2019 through June 30, 2019 and January 1, 2020 through June 30, 2020 monitoring periods.

Base Penalty \$5,000

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

OR	Harm			Percent 0.0%	
	Release	Major	Moderate		Minor
	Actual				
Potential					

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent 5.0%
		x			

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 2 448 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two 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	

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

Violation Subtotal \$500

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

Estimated EB Amount \$10

Violation Final Penalty Total \$585

This violation Final Assessed Penalty (adjusted for limits) \$585

Economic Benefit Worksheet

Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 2)
Case ID No. 60223
Reg. Ent. Reference No. RN102688058
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	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				0.00	\$0	n/a	\$0
Training/Sampling	\$108	30-Sep-2019	27-Jul-2021	1.82	\$10	n/a	\$10
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 prepare and mail the consumer notification for the January 1, 2019 through June 30, 2019 and January 1, 2020 through June 30, 2020 monitoring periods to persons served at the locations which were sampled and to the TCEQ (($\$0.50 \times$ five sampled locations + $\$50$) + ($\$0.50 \times$ ten sampled locations + $\$50$) x one monitoring period), calculated from the date the earliest consumer notification was due 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 \$108

TOTAL \$10

Screening Date 21-Dec-2020

Docket No. 2021-0029-PWS-E

PCW

Respondent
Case ID No.
Reg. Ent. Reference No.

Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba
Lakeside Water Supply 1 (PCW No. 2)
60223
RN102688058

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

Media
Enf. Coordinator

Public Water Supply
Miles Wehner

Violation Number
Rule Cite(s)

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

Violation Description

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 conduct lead and copper tap sampling for the January 1, 2019 through June 30, 2019 monitoring period.

Base Penalty \$5,000

>> 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 requirements were not met.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 164 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$293

This violation Final Assessed Penalty (adjusted for limits) \$293

Economic Benefit Worksheet

Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 2)
Case ID No. 60223
Reg. Ent. Reference No. RN102688058
Media Violation No. Public Water Supply 2

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)				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	10-Jul-2020	27-Jul-2021	1.05	\$1	n/a	\$1

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 \$1

Screening Date 21-Dec-2020

Docket No. 2021-0029-PWS-E

PCW

Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 2)
Case ID No. 60223
Reg. Ent. Reference No. RN102688058

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

Media Public Water Supply
Enf. Coordinator Miles Wehner

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.117(g)(2)(C) and (i)(8)

Violation Description Failed to install an approved source water treatment and submit certification to the Executive Director within 24 months after the Executive Director approved optimal corrosion control treatment on July 24, 2017.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to install source water treatment could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 16 Number of violation days 477

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,000

Sixteen monthly events are recommended, calculated from September 1, 2019 to the December 21, 2020 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$12,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$14,040

This violation Final Assessed Penalty (adjusted for limits) \$14,040

Economic Benefit Worksheet

Respondent Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (PCW No. 2)
Case ID No. 60223
Reg. Ent. Reference No. RN102688058
Media Violation No. Public Water Supply 3

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to install an approved source water treatment, calculated from the date the installation was due to the estimated date of compliance, is captured in the Economic Benefit Worksheet for Violation No. 3 of PCW No. 1.

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

TOTAL

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Compliance History Report

Compliance History Report for CN605421569, RN102688058, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605421569, DANASA RAWLS
Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN102688058, LAKESIDE WATER SUPPLY 1
Classification: NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: TWO MILES EAST OF COLMESNEIL OFF OF COUNTY ROAD 3215 NEAR COLMESNEIL, TYLER COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2290021

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

Date Compliance History Report Prepared: May 03, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 03, 2016 to May 03, 2021

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

Name: Miles Wehner

Phone: (512) 239-2813

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? YES
- 3) Who is the current owner/operator? RAWLS, THOMAS K OWNER since 8/22/2017
RAWLS, DANASA OWNER since 8/22/2017
- 4) Who was/were the prior owner(s)/operator(s)? BRANCH, CHARLES, OWNER, 11/13/2006 to 8/21/2017

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: 09/21/2020 (1693064)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(g)(2)
30 TAC Chapter 290, SubChapter F 290.117(i)(8)

Description: LCR SOWT TT - The system failed to install approved source water treatment and submit certification to TCEQ of proper Source Water Treatment (SOWT) installation and operation within 24 months after the designation of optimal corrosion control treatment from the end of the reduced monitoring period from 01/01/2014 to 12/31/2014 plus two years.

2 Date: 10/16/2020 (1693064)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN 1st 6M2020- The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2020 to 06/30/2020.

3 Date: 12/01/2020 (1693064)
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 RT MR PN 1st 6M2019 - 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 follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 01/01/2019 to 06/30/2019.

4 Date: 04/06/2021 (1704205)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to properly issue Boil Water Notices.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to properly rescind Boil Water Notices.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 288, SubChapter B 288.20(c)
Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to have an up-to-date drought contingency plan.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.118(b)
Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to comply with the Secondary Constituent Level of greater than 7.0 s.u. for pH.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to maintain the well casing vent in a good condition or appearance.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to maintain records regarding when dead-end mains are flushed.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
Description: Failure by Mr. Thomas Rawls and Mrs. Danasa Rawls to have operating records accessible for review upon request.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)
Description: Failure by Mr. Thomas Rawls and Mrs. Danasa Rawls- Lakeside Water Supply No. 1 to provide the executive director with a written list on an annual basis of all the operators and operating companies that the public water system employs.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)(4)
Description: Failure by Mr. Thomas Rawls and Mrs. Danasa Rawls-Lakeside Water Supply No.1 to meet the conditions of a granted exception.

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

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Compliance History Report

Compliance History Report for CN605117332, RN102688058, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605117332, RAWLS, THOMAS K **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN102688058, LAKESIDE WATER SUPPLY 1 **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: TWO MILES EAST OF COLMESNEIL OFF OF COUNTY ROAD 3215 NEAR COLMESNEIL, TYLER COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2290021

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

Date Compliance History Report Prepared: May 03, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 03, 2016 to May 03, 2021

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

Name: Miles Wehner

Phone: (512) 239-2813

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? YES
- 3) Who is the current owner/operator? RAWLS, THOMAS K OWNER since 8/22/2017
RAWLS, DANASA OWNER since 8/22/2017
- 4) Who was/were the prior owner(s)/operator(s)? BRANCH, CHARLES, OWNER, 11/13/2006 to 8/21/2017

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: 09/21/2020 (1693064)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(g)(2)

Description: LCR SOWT TT - The system failed to install approved source water treatment and submit certification to TCEQ of proper Source Water Treatment (SOWT) installation and operation within 24 months after the designation of optimal corrosion control treatment from the end of the reduced monitoring period from 01/01/2014 to 12/31/2014 plus two years.

- 2 Date: 10/16/2020 (1693064)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
 30 TAC Chapter 290, SubChapter F 290.117(j)
 Description: LCR LCN 1st 6M2020- The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2020 to 06/30/2020.
- 3 Date: 12/01/2020 (1693064)
 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 RT MR PN 1st 6M2019 - 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 follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 01/01/2019 to 06/30/2019.
- 4 Date: 04/06/2021 (1704205)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
 Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to properly issue Boil Water Notices.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
 Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to properly rescind Boil Water Notices.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 288, SubChapter B 288.20(c)
 Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to have an up-to-date drought contingency plan.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.118(b)
 Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to comply with the Secondary Constituent Level of greater than 7.0 s.u. for pH.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to maintain the well casing vent in a good condition or appearance.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
 Description: Failure by Thomas and Danasa Rawls - Lakeside WS 1 to maintain records regarding when dead-end mains are flushed.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 Description: Failure by Mr. Thomas Rawls and Mrs. Danasa Rawls to have operating records accessible for review upon request.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)
 Description: Failure by Mr. Thomas Rawls and Mrs. Danasa Rawls- Lakeside Water Supply No. 1 to provide the executive director with a written list on an annual basis of all the operators and operating companies that the public water system employs.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)(4)
 Description: Failure by Mr. Thomas Rawls and Mrs. Danasa Rawls-Lakeside Water Supply No.1 to meet the conditions of a granted exception.

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 THOMAS K. RAWLS DBA LAKESIDE WATER SUPPLY 1 AND DANASA RAWLS DBA LAKESIDE WATER SUPPLY 1 RN102688058	§ § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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**AGREED ORDER
DOCKET NO. 2021-0029-PWS-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1 (the "Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this Order to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondents agree to waive all notice and procedural rights.

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 the Respondents.

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

I. FINDINGS OF FACT

1. The Respondents own and operate a public water supply located two miles east of Colmesneil off of County Road 3215 near Colmesneil, Tyler County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 49 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 on November 23, 2020 through December 11, 2020, an investigator documented that:

- a. The Respondents did not install an approved source water treatment and submit certification to the Executive Director within 24 months after the Executive Director approved optimal corrosion control treatment on July 24, 2017.
- b. The Respondents did not provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and did not mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, and January 1, 2020 through June 30, 2020 monitoring periods.
- c. The Respondents did not 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 conduct water quality parameter sampling for the January 1, 2017 through June 30, 2017 and July 1, 2017 through December 31, 2017 monitoring periods and regarding the failure to conduct lead and copper tap sampling for the January 1, 2019 through June 30, 2019 monitoring period.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the 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, the Respondents failed to install an approved source water treatment and submit certification to the Executive Director within 24 months after the Executive Director approved optimal corrosion control treatment, in violation of 30 TEX. ADMIN. CODE § 290.117(g)(2)(C) and (i)(8).
3. As evidenced by Finding of Fact No. 2.b, the Respondents failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
4. As evidenced by Finding of Fact No. 2.c, the Respondents 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 conduct water quality parameter sampling and regarding the failure to conduct lead and copper tap sampling, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondents for violations of state statutes within the 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 \$15,443 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). The Respondents paid \$463 of the penalty. The remaining amount of \$14,980 shall be paid in 35 monthly payments of \$428 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 the Respondents fail to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondents' failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

III. ORDERING PROVISIONS

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

1. The Respondents are assessed a 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 the Respondents' compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1, Docket No. 2021-0029-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondents are jointly and severally liable for the violations documented in this Order and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
3. The Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Install the approved source water treatment, in accordance with 30 TEX. ADMIN. CODE § 290.117;

- ii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, and January 1, 2020 through June 30, 2020 monitoring periods, and submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117; and
 - iii. 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 conduct water quality parameter sampling for the January 1, 2017 through June 30, 2017 and July 1, 2017 through December 31, 2017 monitoring periods and regarding the failure to conduct lead and copper tap sampling for the January 1, 2019 through June 30, 2019 monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.122.
- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.iii. The certification shall be signed by the Respondents 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondents. The 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the 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.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

9/14/2022

For the Executive Director

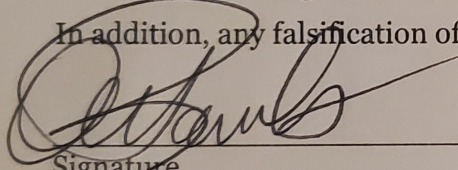
Date

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, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

8-17-22

Date

Danasa Rawls

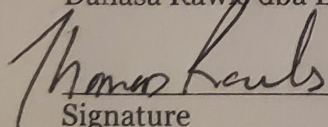
owner

Name (Printed or typed)

Title

Authorized Representative of

Danasa Rawls dba Lakeside Water Supply 1



Signature

8-17-22

Date

Thomas Rawls

owner

Name (Printed or typed)

Title

Authorized Representative of

Thomas K. Rawls dba Lakeside Water Supply 1

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.