Order Type: Agreed Order	
Media: PWS	
Small Business: Yes	
Location(s) Where Violation(s) Occ 301 Rayburn Lane near Zavalla, Ang	
Type of Operation: public water supply	
Other Significant Matters: Additional Pending Enforcement A Past-Due Penalties: Past-Due Fees: Other: Interested Third Parties:	Actions: None None None None None None
Texas Register Publication Date:	June 3, 2022
Comments Received:	None
	Penalty Information
Total Penalty Assessed:	\$9,124
Total Paid to General Revenue:	\$269
Total Due to General Revenue: Payment Plan: 35 payments of \$2	\$8,855 253 each
Compliance History Classifications Person/CN - NOT APPLICABLE Site/RN - NOT APPLICABLE	3:
Major Source:	No
Statutory Limit Adjustment:	None
Applicable Penalty Policy:	April 2014
	Investigation Information
Complaint Date(s):	April 1, 2021
Complaint Information:	The complaintant is concerned about excessive chlorine and fading their clothing.
Date(s) of Investigation:	December 21, 2020, through January 8, 2021
Date(s) of NOV(s):	December 14, 2020; December 18, 2020
Date(s) of NOE(s):	January 8, 2021

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 60287 Josh Commiato dba Lakeside Water RN103778247 Docket No. 2021-0129-PWS-E

Violation Information

- 1. Failed to provide a minimum treatment consisting of coagulation with direct filtration and adequate disinfection for groundwater under the influence of surface water ("GUI") [30 TEX. ADMIN. CODE §§ 290.42(c)(1) and 290.111(a)(2)].
- 2. Failed to submit Surface Water Monthly Operating Reports ("SWMORs") for systems that use GUI [30 TEX. ADMIN. CODE §§ 290.110(e)(2) and (e)(6), and 290.111(h)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed: None

Technical Requirements:

No longer owns or operates the Facility, as of May 24, 2021

Litigation Information

Date Petition(s) Filed:	March 4, 2022
Date Green Card(s) Signed:	March 9, 2022
Settlement Date:	April 25, 2022

Contact Information

TCEQ Attorneys: Jess Robinson, 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: Samantha Salas, Enforcement Division, (512) 239-1543 TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, (409) 898-3838 Respondent Contact: Josh Commiato, 2031 County Road 4675, Kennard, Texas 75847 Respondent's Attorney: N/A

COMMISSION OF THE STATE	Policy R	Pe Revision 4 (April 2014)		Calculatio	n Worksh	neet (PC	-	ision September 1, 20	019
DATES	Assigned						1		
	PCW	15-Jan-2021	Screenin	g 14-Jan-2021	EPA Due	31-Mar-2021			
RESPO				- \\/					
Reg	g. Ent. Ref. No.	Josh Commiato o RN103778247	ida Lakesia	e water					
Facili	ty/Site Region	10-Beaumont			Major/M	linor Source	Minor		
CASE I	NFORMATION								
En	f./Case ID No.				No. c	of Violations	-		
Mad		2021-0129-PWS Public Water Sup			Government	Order Type			
Meu	Multi-Media	Public Water Sup	ріу				Samantha Sal	as	
		· · · · · ·				EC's Team	Enforcement 7	Feam 8	
Adr	nin. Penalty \$ I	imit Minimum	\$50	Maximum	\$5,000				
			Pena	Ity Calculat	tion Section	on			
ΤΟΤΑΙ	L BASE PENA	LTY (Sum of		n base penalt			Subtotal 1	\$3,0	00
	STMENTS (+	/-) TO SUBTO	ΤΔΙ 1						
	Subtotals 2-7 are of	btained by multiplying		e Penalty (Subtotal 1)) by the indicated p	-			
	Compliance Hi			30.0%	Adjustment		tals 2, 3, & 7	\$9	00
	Notes	Enhancement fo		with same/similation of the same of the sa		d one agreed			
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
		The De							
	Notes	The Re	spondent d	pes not meet the	culpability crite	erid.			
	Good Eaith Eff	ort to Comply T	otal Adius	monte			Subtotal 5		\$0
				linents			Subtotal S		40
	Economic Ben	əfit		0.0%	Enhancement*		Subtotal 6		\$0
		Total EB Amounts	\$0		d at the Total EB \$ A	Amount	Subtotal		4 0
	Estimated	Cost of Compliance	\$0						
SUM (OF SUBTOTA	LS 1-7				E	inal Subtotal	\$3,9	00
OTHE	R FACTORS 4	AS JUSTICE M		JIRE	133.9%		Adjustment	\$5,2	24
		Subtotal by the indic			10010 /0		Aujustinent	+ <i>-</i> /-	<u> </u>
	Notes	Enhancement is		led to capture the or Violation No. 1		of compliance			
						Final Per	alty Amount	\$9,12	24
STATI	JTORY LIMIT		IT			Final Asse	ssed Penalty	\$9,1	24
				F					
DEFEF		nalty by the indicated	l porcontago		0.0%	Reduction	Adjustment		\$0
incouces t	ne i mai Assessed Pe	narcy by the mulcated	a percentage.						
	Notes	Defe	rral not offe	red for non-expe	dited settlemen	t.			
_		-					1		
PAYA	BLE PENALT	ſ						\$9,1	24

	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>)	2	10%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%	
	Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%	
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		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 Per	rcentage (Sub	total 2)	30%
>> Re	peat Violator	(Subtotal 3)			
	N/A	Adjustment Per	rcentage (Sub	total 3)	0%
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)			
	N/A	Adjustment Per	rcentage (Sub	total 7)	0%
>> Co	mpliance Hist	ory Summary			
	Compliance History Notes	Enhancement for two NOVs with same/similar violations and one agreed order cor of liability.	ntaining a denial		
		Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7)	30%
>> Fina	al Compliance	History Adjustment Final Adjustment Percent	ano *conned	+ 10004	30%
		rinai Aujustinellit Percent	aye "capped a	1100%	30%

Reg. Ent. Reference No. RN103778247 Media Public Water Supply

Enf. Coordinator Samantha Salas

Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2)

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

Adjust.

Number

Docket No. 2021-0129-PWS-E

Screening Date 14-Jan-2021 Respondent Josh Commiato dba Lakeside Water

Case ID No. 60287

Component Number of...

PCW

	Scre	ening Date	14-Jan-2021	Doc	ket No. 2021-0129-PWS-E		PCW
			Josh Commiato dba Lake	eside Water		Policy	Revision 4 (April 2014)
		Case ID No.				PCW Revi	sion September 1, 2019
Reg.	Ent. Ref		RN103778247				
	Enf (Public Water Supply				
		ation Number	Samantha Salas				
	VIUI						
		Rule Cite(s)	30 Tex. Admin. C	ode §§ 290.42(c)(290.111(a)(1), 290.110(e)(2) and (e)(6), (2) and (h)	and	
	Violatio	n Description	filtration and adequate water ("GUI"), and fa ("SWMORs") for syste treatment equipment	disinfection for gro iled to submit Sur ems that use GUI. and provide treat	t consisting of coagulation with bundwater under the influence face Water Monthly Operating Specifically, the Facility did no tment at the Facility's treatmen d not submit an SWMOR for th 2020.	of surface Reports t install nt plant	
					Bas	e Penalty	\$5,000
>> Env	vironme	ntal, Propei	rty and Human Hea				
		Deless	Harm Major Modera	-			
OR		Release Actual	Major Modera	ite Minor			
UN		Potential	X		Percent 15.0%		
			<u> 1</u>]		1	
>>Prog	gramma	tic Matrix					
		Falsification	Major Modera	ite Minor		1	
					Percent 0.0%		
	Matrix Notes				sons served by the Facility beir protective of human health.	ng exposed \$4,250	
							\$750
							· · · · ·
Violatio	on Even	ts					
		Number of \	/iolation Events 4		111 Number of violation	davs	
			daily weekly monthly				¢3.000
		1	quarterly semiannual annual single event		Violation Bas		\$3,000
		Four monthly		•	the September 25, 2020 date 4, 2021 screening date.	minimum	
Good F	aith Eff	orts to Com		0%		Reduction	\$0
			Before NOE/	NOV NOE/NOV to ED	PRP/Settlement Offer		
			Extraordinary				
			Ordinary N/A x				
					neet the good faith criteria for violation.		
					Violatio	n Subtotal	\$3,000
Econon	nic Bene	efit (EB) for	this violation		Statutory Limi	t Test	
		Estimate	ed EB Amount	\$5,244	Violation Final Per	alty Total	\$9,124
				•		-	
			This	violation Final A	ssessed Penalty (adjusted	for limits)	\$9,124

Respondent losh Committo da Lakeside Water Goard Display Reg. Ent. Reference No. RN10378247 Media Public Water Supply Violation No. 1 Tem Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount Item Description Delayed Costs Supplementing/Construction Supplementing/Construction Costs Saved Sav		E	conomic	Benefit	Wo	rksheet		
Case ID No. 60287 Reg. Ent. Reference No. RN10378247 Years of Objected starts Violation No. 1 Percent Interest Saved Vera of Objected starts Tem Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount Delayed Costs Supment 0.00 \$0 </th <th>Respondent</th> <th>Josh Commiat</th> <th>o dba Lakeside W</th> <th>ater</th> <th></th> <th></th> <th></th> <th></th>	Respondent	Josh Commiat	o dba Lakeside W	ater				
Media Public Water Supply Violation No. Percent Interest Percent Interest Interest Percent Interest								
Media Public Water Supply Violation No. Percent Interest Percent Interest Interest Percent Interest								
Violation No. 1 Percent interest to the cost of the provided cost provided cost provides the provided cost of the provided cost of the provided cost provided cost provides the provided cost provides the provided cost provided cost provided cost provides the preprind prequiment to pro	-							Years of
Standard							Percent Interest	
Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount Jeam Delayed Costs Suidings		-					EO	-
Item Description Delayed Costs Support Support Other (as needed) Colspan="2">Colspan="2"Co			Data David		Maria			
Delayed Costs Buildings Other (as needed) Engineering/Construction Land 0.00 \$0 \$0 \$0 \$0 \$0 Record Keeping System Training/Sampling 0.00 \$0 \$0 \$10 \$10 Record Keeping System Training/Sampling 0.00 \$0 \$10 \$10 \$10 Remediation //bisposal Permit Costs 0.00 \$0 \$10 \$10 \$10 Notes for DELAYED costs Notes for DELAYED costs Notes for DELAYED costs \$10 </th <th></th> <th></th> <th>Date Required</th> <th>Final Date</th> <th>Yrs</th> <th>Interest Saved</th> <th>Costs Saved</th> <th>EB Amount</th>			Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Equipment Building 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 Engineering/Construction 0.00 \$0 \$0 \$0 Land 0.00 \$0 \$0 \$0 Record Keeping System 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 ANUALIZE avoided costs before entering item (except for one-time avoided costs) \$0 Disposal Personnel 0.00 \$0 \$0 \$0 Supplies/Equipment Financial Assument \$1,000 \$0 \$0 \$0 \$0 Supplies/Equipment Financial Assument \$5,000 \$2,02 \$22 \$2,22	Item Description							
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ONE-TIME avoided costs ONE-TIME avoided costs Other (as needed) Other (as needed) S145 21-Oct-2020 14-Jan-2021 0.30 \$22 \$22 \$145 21-Oct-2020 14-Jan-2021 0.23 \$22 \$145 \$145 21-Oct-2020 14-Jan-2021 0.23 \$22 \$145 \$147 The first one-time avoided cost includes the estimated amount to install minimum treatment equipment consisting of coagulation with direct filtration and adequate disinfection at the Facility's treatment plant (TP20038), calculated from the date when the treatment equipment was required to be installed to the screening date. The second one-time avoided cost includes the estimated amount to submit SWMORs (\$22 per report x one report), calculated from the due date of the report for October 2020 to the screening date. The Other (as needed) avoided costs include the estimated amounts to update the Facility's operational guidance and conduct employee traning to ensure that self-reporting requirements are properly accomplished, including the timely submittal of SWMORs, calculated from the date of the record review to the screening date.	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		ALIZE avoided c	osts before er	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
ONE-TIME avoided costs Other (as needed) \$22 \$22 \$22 \$145 21-Oct-2020 14-Jan-2021 0.23 \$2 \$145 \$147 The first one-time avoided cost includes the estimated amount to install minimum treatment equipment consisting of coagulation with direct filtration and adequate disinfection at the Facility's treatment plant (TP20038), calculated from the date when the treatment equipment was required to be installed to the screening date. Notes for AVOIDED costs The second one-time avoided cost includes the estimated amount to submit SWMORs (\$22 per report x one report), calculated from the due date of the report for October 2020 to the screening date. The Other (as needed) avoided costs include the estimated amounts to update the Facility's operational guidance and conduct employee traning to ensure that self-reporting requirements are properly accomplished, including the timely submittal of SWMORs, calculated from the date of the record review to the screening date.	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	ANNU/	ALIZE avoided c	osts before er	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Other (as needed) \$145 21-Oct-2020 14-Jan-2021 0.23 \$2 \$145 \$147 The first one-time avoided cost includes the estimated amount to install minimum treatment equipment consisting of coagulation with direct filtration and adequate disinfection at the Facility's treatment plant (TP20038), calculated from the date when the treatment equipment was required to be installed to the screening date. Notes for AVOIDED costs The second one-time avoided cost includes the estimated amount to submit SWMORs (\$22 per report x one report), calculated from the due date of the report for October 2020 to the screening date. The Other (as needed) avoided costs include the estimated amounts to update the Facility's operational guidance and conduct employee traning to ensure that self-reporting requirements are properly accomplished, including the timely submittal of SWMORs, calculated from the date of the record review to the screening date.	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
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The Other (as needed) avoided costs include the estimated amounts to update the Facility's operational guidance and conduct employee traning to ensure that self-reporting requirements are properly accomplished, including the timely submittal of SWMORs, calculated from the date of the record review to the screening date.	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs ONE-TIME avoided costs	\$5,000 \$22 \$145 The first one consisting o (TP20038),	25-Sep-2020 10-Nov-2020 21-Oct-2020 2-time avoided co f coagulation with calculated from th	14-Jan-2021 14-Jan-2021 14-Jan-2021 st includes the e direct filtration he date when th	0.00 0.00 0.00 0.00 0.30 0.18 0.23 estimate and ad be treat	\$0 \$0 \$0 \$0 \$0 \$2 ed amount to insta lequate disinfection ment equipment w g date.	\$0 \$0 \$0 \$5,000 \$22 \$145 Il minimum treatme a the Facility's tre vas required to be in	\$0 \$0 \$0 \$0 \$5,075 \$22 \$147 nt equipment atment plant stalled to the
guidance and conduct employee traning to ensure that self-reporting requirements are properly accomplished, including the timely submittal of SWMORs, calculated from the date of the record review to the screening date.	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs ONE-TIME avoided costs ONE-TIME avoided costs Other (as needed)	\$5,000 \$22 \$145 The first one consisting o (TP20038), The second or	25-Sep-2020 10-Nov-2020 21-Oct-2020 21-Oct-2020 2-time avoided co- f coagulation with calculated from the	14-Jan-2021 14-Jan-2021 14-Jan-2021 14-Jan-2021 st includes the e direct filtration he date when th st includes the	0.00 0.00 0.00 0.00 0.30 0.18 0.23 estimate and ad be treat creenin	\$0 \$0 \$0 \$0 \$2 ed amount to insta lequate disinfection ment equipment w g date.	\$0 \$0 \$0 \$0 \$5,000 \$22 \$145 Il minimum treatme the Facility's tre as required to be in mit SWMORs (\$22 p	\$0 \$0 \$0 \$0 \$5,075 \$22 \$147 nt equipment atment plant stalled to the per report x one
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Approx. Cost of Compliance \$5,167 TOTAL \$5,244	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs ONE-TIME avoided costs ONE-TIME avoided costs Other (as needed)	\$5,000 \$22 \$145 The first one consisting o (TP20038), The second or report The Other (a guidance	25-Sep-2020 10-Nov-2020 21-Oct-2020 c-time avoided cost f coagulation with calculated from the calculated from the t), calculated from as needed) avoide e and conduct em	14-Jan-2021 14-Jan-2021 14-Jan-2021 st includes the e direct filtration he date when the sost includes the h the due date c ed costs include ployee traning to	0.00 0.00 0.00 0.00 0.30 0.18 0.23 estimate and ad be treat coreenin estima of the re the est the est	\$0 \$0 \$0 \$0 \$0 \$2 ed amount to insta lequate disinfection ment equipment w g date. ted amount to sub eport for October 2 imated amounts to re that self-reporti	\$0 \$0 \$0 \$0 \$5,000 \$22 \$145 Ill minimum treatme the Facility's tre ras required to be in mit SWMORs (\$22 p 2020 to the screenin o update the Facility ng requirements are	\$0 \$0 \$0 \$0 \$0 \$5,075 \$22 \$147 nt equipment atment plant stalled to the per report x one g date. 's operational properly
Approx. Cost of Compliance \$5,167 TOTAL \$5,244	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs ONE-TIME avoided costs ONE-TIME avoided costs Other (as needed)	\$5,000 \$22 \$145 The first one consisting o (TP20038), The second or report The Other (a guidance	25-Sep-2020 10-Nov-2020 21-Oct-2020 c-time avoided cost f coagulation with calculated from the calculated from the t), calculated from as needed) avoide e and conduct em	14-Jan-2021 14-Jan-2021 14-Jan-2021 st includes the e direct filtration he date when the sost includes the n the due date c ed costs include ployee traning to nely submittal c	0.00 0.00 0.00 0.00 0.30 0.18 0.23 estimate and ad be treat creenin estima of the re the est the est the est the est	\$0 \$0 \$0 \$0 \$0 \$2 ed amount to insta lequate disinfection ment equipment w g date. ted amount to sub eport for October 2 imated amounts to re that self-reporti DRs, calculated from	\$0 \$0 \$0 \$0 \$5,000 \$22 \$145 Ill minimum treatme the Facility's tre ras required to be in mit SWMORs (\$22 p 2020 to the screenin o update the Facility ng requirements are	\$0 \$0 \$0 \$0 \$0 \$5,075 \$22 \$147 nt equipment atment plant stalled to the per report x one g date. 's operational properly
Approx. cost or compliance \$5,10/ IUIAL \$5,244	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs ONE-TIME avoided costs ONE-TIME avoided costs Other (as needed)	\$5,000 \$22 \$145 The first one consisting o (TP20038), The second or report The Other (a guidance	25-Sep-2020 10-Nov-2020 21-Oct-2020 c-time avoided cost f coagulation with calculated from the calculated from the t), calculated from as needed) avoide e and conduct em	14-Jan-2021 14-Jan-2021 14-Jan-2021 st includes the e direct filtration he date when the sost includes the n the due date c ed costs include ployee traning to nely submittal c	0.00 0.00 0.00 0.00 0.30 0.18 0.23 estimate and ad be treat creenin estima of the re the est the est the est the est	\$0 \$0 \$0 \$0 \$0 \$2 ed amount to insta lequate disinfection ment equipment w g date. ted amount to sub eport for October 2 imated amounts to re that self-reporti DRs, calculated from	\$0 \$0 \$0 \$0 \$5,000 \$22 \$145 Ill minimum treatme the Facility's tre ras required to be in mit SWMORs (\$22 p 2020 to the screenin o update the Facility ng requirements are	\$0 \$0 \$0 \$0 \$0 \$5,075 \$22 \$147 nt equipment atment plant stalled to the per report x one g date. 's operational properly
	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs ONE-TIME avoided costs ONE-TIME avoided costs Other (as needed)	\$5,000 \$22 \$145 The first one consisting o (TP20038), The second or report The Other (a guidance	25-Sep-2020 10-Nov-2020 21-Oct-2020 21-Oct-2020 2-time avoided cor f coagulation with calculated from the calculated from the the-time avoided cor t), calculated from as needed) avoide e and conduct em l, including the tim	14-Jan-2021 14-Jan-2021 14-Jan-2021 st includes the e direct filtration he date when the sost includes the n the due date c ed costs include ployee traning to nely submittal c	0.00 0.00 0.00 0.00 0.30 0.18 0.23 estimate and ad be treat creenin estima of the re the est the est the est the est	\$0 \$0 \$0 \$0 \$0 \$2 \$0 \$2 ed amount to insta lequate disinfection ment equipment w g date. ted amount to sub eport for October 2 imated amounts to re that self-reporti DRs, calculated from ing date.	\$0 \$0 \$0 \$0 \$5,000 \$22 \$145 Ill minimum treatme the Facility's tre ras required to be in mit SWMORs (\$22 p 2020 to the screenin o update the Facility ng requirements are	\$0 \$0 \$0 \$0 \$0 \$22 \$147 nt equipment atment plant stalled to the per report x one g date. 's operational properly cord review to



Compliance History Report

Compliance History Report for CN605660471, RN103778247, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, o Owner/Operator:	r CN605660471, Josh Commiato	Classification: NO	DT APPLICABLE	Rating: N/A
Regulated Entity:	RN103778247, LAKESIDE WATER	Classification: N	OT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A	
CH Group:	14 - Other			
Location:	301 RAYBURN LANE NEAR ZAVALLA, ANGELI	NA COUNTY, TEXAS		
TCEQ Region:	REGION 10 - BEAUMONT			
ID Number(s): PUBLIC WATER SYSTEM/SU	PPLY REGISTRATION 0030104			
Compliance History Perio	d: September 01, 2015 to August 31, 2020	Rating Year:	2020 Ratin	ng Date: 09/01/2020
Date Compliance History	Report Prepared: May 25, 2021			
Agency Decision Requirin	g Compliance History: Enforcement	nt		
Component Period Select	ed: May 25, 2016 to May 25, 2021			
TCEQ Staff Member to Co	ntact for Additional Information Reg	arding This Complia	ance History.	
Name: Samantha Salas		Phone: (5	12) 239-1543	
Site and Owner/Opera	tor History:			
	e and/or operation for the full five-year compli		YES	
	ange in ownership/operator of the site during		YES	
3) Who is the current owner/ope				10
4) Who was/were the prior owne		ISTOPHER W, OWNER, 9 ISTINA, OWNER, 9/19/2		19
	DUNCAN, CHR	1311NA, OWNER, 9/19/2	.002 10 5/2/2019	
Components (Multimed	<u>lia) for the Site Are Listed in Sec</u>	<u>tions A - J</u>		
A Final Ordana court in	demonts and concert designed.			
A. Final Orders, court jue 1 Effective Date: 08	dgments, and consent decrees: /13/2019 ADMINORDER 2018	8-0269-PWS-E (1660)	Order-Agreed Order	With Denial)
Classification: M		Υ.	5	,
Citation: 30 TA	AC Chapter 290, SubChapter F 290.110(c)(4)(A)		
	led to monitor the disinfectant residual at repr . Specifically, there were several instances w linor		-	-
	AC Chapter 290, SubChapter D 290.46(p)(2)			
Description: Fail	lure by Lakeside Water Company to provide the erating companies that the public water system		h a written list on an	າ annual basis of all the
Citation: 30 TA	AC Chapter 290, SubChapter D 290.39(I)(4)			
	C Chapter 290, SubChapter D 290.39(I)(5)			
Citation: 30 TA	AC Chapter 290, SubChapter D 290.42(I)			
	ed to provide a thorough and up-to-date plan ons manual did not include protocols to be util			

Classification: Minor

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

Description: Failed to conduct the annual inspection of the Facility's old 545-gallon pressure tank.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(1)(A)

5A THSC Chapter 341, SubChapter A 341.0351

Description: Failed to obtain approval of plans and specifications from the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, the Respondent did not obtain approval from the Executive Director prior to the addition of a second 545-gallon pressure tank.

Classification: Minor

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

Description: Failure by Lakeside Water Company to have a complete distribution map.

Classification: Minor

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

Description: Failure by Lakeside Water Company to provide the required language to issue and rescind a Boil Water Notice.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.

Classification: Minor

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

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, records of the amount of water distributed each week and the dates dead-end mains were flushed were not available.

Classification: Minor

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

Description: Failed to ensure that all electrical wiring at the Facility is securely installed in compliance with a local or national electrical code. Specifically, wires were not in conduit outside the building that houses the sodium hypochlorite and on the new 545-gallon pressure tank.

Classification: Minor

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

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, the three strands of barbed wire on the fence surrounding the well and pressure tanks were loose and tangled together, and a wooden board was laid across the barbed wires. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failed to ensure that wellheads and pump bases are sealed by a gasket or sealing compound and properly vented with a well casing vent that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Specifically, the hole where the chlorine injection line used to connect to the wellhead was not properly sealed, and an adequate downward facing casing vent was not provided.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(B)

Description: Failed to provide a day tank for the sodium hypochlorite to minimize the possibility of severely overfeeding liquid chemicals from bulk storage facilities.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)

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

Description: Failed to provide a well capacity of 1.5 gallons per minute ("gpm") per connection. Specifically, the Facility has 18 connections which requires a minimum well capacity of 27 gpm. However, only 25 gpm were provided, indicating a 7.5% deficiency.

Classification: Moderate

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

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

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

Description: Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, on December 27, 2017, residuals taken at 462 E. O. Woods Road measured 0.08 mg/L and 0.07 mg/L free chlorine. Classification: Minor

Compliance History Report for CN605660471, RN103778247, Rating Year 2020 which includes Compliance History (CH) components from May 25, 2016, through May 25, 2021.

2A TWC Chapter 5, SubChapter A 5.702 Citation:

30 TAC Chapter 290, SubChapter E 290.51(a)(6)

Description: Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90030104 for Fiscal Years 2005 and 2011 through 2018.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

October 12, 2017 Item 1 (1414935)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 12/	/14/2020 (1698342)		
	Self Report?	NO	Classification:	Moderate
	Citation: Description:	30 TAC Chapter 290, SubChapter D 290.42(SWTR Non-acute TT Violation 10/2020 - Fail treatment processes which reliably achieve a Cryptosporidium oocysts by 09/25/2020 dea letter at GUITP (TP20038).	ure to install and pro at least 99 percent (2	log) removal of
	Self Report?	NO	Classification:	Moderate
	Citation: Description:	30 TAC Chapter 290, SubChapter D 290.42(30 TAC Chapter 290, SubChapter F 290.111 SWTR Non-acute TT Violation 10/2020 - Filtr source by 09/25/2020 deadline stated in GU to install filtration by this deadline at GUITP	(a)(2) ation was required o I/enhanced treatmer	,
2	Date: 12, Self Report?	/18/2020 (1698342) NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.111 30 TAC Chapter 290, SubChapter F 290.111 30 TAC Chapter 290, SubChapter F 290.111	(e)(3)	

Description:	SWTR SWMOR Major MR Violation 10/2020 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for GUITP (TP20038).

30 TAC Chapter 290, SubChapter F 290.111(h)(9)

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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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING JOSH COMMIATO DBA LAKESIDE WATER; RN103778247

BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2021-0129-PWS-E

I. JURISDICTION AND STIPULATIONS

On ______, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Josh Commiato dba Lakeside Water ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

- 1. Respondent owned and operated a public water supply located at 301 Rayburn Lane near Zavalla, Angelina County, Texas (the "Facility").¹ The Facility provided water for human consumption, had approximately 18 service connections, and/or served at least 25 people per day for at least 60 days per year. As such, the Facility was a public water system, as defined in 30 Tex. ADMIN. CODE § 290.38(71).
- 2. The Executive Director and Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. WATER CODE § 7.002 and Tex. HEALTH & SAFETY CODE § 341.049, and that Respondent is subject to the TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. WATER CODE § 5.013 and Tex. HEALTH & SAFETY CODE § 341.031 because it alleges violations of Tex. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- An administrative penalty in the amount of nine thousand one hundred twenty-four dollars 4. (\$9,124.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid two hundred sixty-nine dollars (\$269.00) of the penalty. The remaining amount of eight thousand eight hundred fifty-five dollars (\$8,855.00) shall be paid in thirty-five (35) monthly payments of two hundred fifty-three dollars (\$253.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

¹ The Facility is located on real property identified by Property ID No. 50820 in the records of the Angelina County Appraisal District.

- 5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 6. 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 Respondent has not complied with one or more of the terms or conditions contained in this Order.
- 7. 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.
- 8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Executive Director recognizes that Respondent no longer owns or operates the Facility, as of May 24, 2021.

II. ALLEGATIONS

- 1. During a record review conducted on and around December 21, 2020, TCEQ staff documented that Respondent:
 - a. Failed to provide a minimum treatment consisting of coagulation with direct filtration and adequate disinfection for groundwater under the influence of surface water ("GUI"), in violation of 30 TEX. ADMIN. CODE §§ 290.42(c)(1) and 290.111(a)(2). Specifically, the Facility did not install treatment equipment and provide treatment at the Facility's treatment plant (TP20038) by September 25, 2020; and
 - b. Failed to submit Surface Water Monthly Operating Reports ("SWMORs") for systems that use GUI, in violation of 30 Tex. ADMIN. CODE §§ 290.110(e)(2) and (e)(6), and 290.111(h). Specifically, the Facility did not submit an SWMOR for the month of October 2020.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Josh Commiato dba Lakeside Water, Docket No. 2021-0129-PWS-E" to:

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

2. All relief not expressly granted in this Order is denied.

- 3. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent.
- 4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
- 5. This Order, issued by the Commission, shall not be admissible against Respondent 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
- This Order may be executed in separate and multiple counterparts, which together shall 6. 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.
- 7. 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.

Josh Commiato dba Lakeside Water Docket No. 2021-0129-PWS-E Page 4

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

FRINE. Chanallop

For the Executive Director

Date

<u>6/20/22</u> 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
- The TCEQ seeking other relief as authorized by law.

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

2031 County Road 4675 Kennard, Texas 75847

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