

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

Order Type:
Agreed Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
301 Rayburn Lane near Zavalla, Angelina County

Type of Operation:
public water supply

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

Texas Register Publication Date: June 3, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed: \$9,124

Total Paid to General Revenue: \$269

Total Due to General Revenue: \$8,855

Payment Plan: 35 payments of \$253 each

Compliance History Classifications:

Person/CN - NOT APPLICABLE

Site/RN - NOT APPLICABLE

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): April 1, 2021

Complaint Information: The complainant 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

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



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	11-Jan-2021			
	PCW	15-Jan-2021	Screening	14-Jan-2021	EPA Due 31-Mar-2021

RESPONDENT/FACILITY INFORMATION					
Respondent	Josh Commiato dba Lakeside Water				
Reg. Ent. Ref. No.	RN103778247				
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	60287	No. of Violations	1		
Docket No.	2021-0129-PWS-E	Order Type	1660		
Media Program(s)	Public Water Supply	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Samantha Salas		
		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	\$3,000
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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	30.0%	Adjustment	Subtotals 2, 3, & 7	\$900
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Notes: Enhancement for two NOV's with same/similar violations and one agreed order containing a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does 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: \$0
 Estimated Cost of Compliance: \$0
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,900
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OTHER FACTORS AS JUSTICE MAY REQUIRE	133.9%	Adjustment	\$5,224
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement is recommended to capture the avoided cost of compliance for Violation No. 1.

Final Penalty Amount	\$9,124
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,124
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$9,124
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Screening Date 14-Jan-2021

Docket No. 2021-0129-PWS-E

PCW

Respondent Josh Commiato dba Lakeside Water

Policy Revision 4 (April 2014)

Case ID No. 60287

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN103778247

Media Public Water Supply

Enf. Coordinator Samantha Salas

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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) 30%

>> 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 two NOVs with same/similar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 14-Jan-2021

Docket No. 2021-0129-PWS-E

PCW

Respondent Josh Commiato dba Lakeside Water

Policy Revision 4 (April 2014)

Case ID No. 60287

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN103778247

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.42(c)(1), 290.110(e)(2) and (e)(6), and 290.111(a)(2) and (h)

Violation Description Failed to provide a minimum treatment consisting of coagulation with direct filtration and adequate disinfection for groundwater under the influence of surface water ("GUI"), and failed to submit Surface Water Monthly Operating Reports ("SWMORs") for systems that use GUI. Specifically, the Facility did not install treatment equipment and provide treatment at the Facility's treatment plant (TP20038) by September 25, 2020 and did not submit an SWMOR for the month of October 2020.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

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

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 4 111 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and count.

Violation Base Penalty \$3,000

Four monthly events are recommended, calculated from the September 25, 2020 date minimum treatment was required to the January 14, 2021 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Effort Type (Extraordinary, Ordinary, N/A) and status (Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer).

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,244 Violation Final Penalty Total \$9,124

This violation Final Assessed Penalty (adjusted for limits) \$9,124

Economic Benefit Worksheet

Respondent Josh Commiato dba Lakeside Water
Case ID No. 60287
Reg. Ent. Reference No. RN103778247
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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

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	\$5,000	25-Sep-2020	14-Jan-2021	0.30	\$75	\$5,000	\$5,075
ONE-TIME avoided costs	\$22	10-Nov-2020	14-Jan-2021	0.18	\$0	\$22	\$22
Other (as needed)	\$145	21-Oct-2020	14-Jan-2021	0.23	\$2	\$145	\$147

Notes for AVOIDED costs

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 training 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.

Approx. Cost of Compliance \$5,167

TOTAL \$5,244



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, or Owner/Operator: CN605660471, Josh Commiato
Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN103778247, LAKESIDE WATER
Classification: NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 301 RAYBURN LANE NEAR ZAVALLA, ANGELINA COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0030104

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

Date Compliance History Report Prepared: May 25, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 25, 2016 to May 25, 2021

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

Name: Samantha Salas **Phone:** (512) 239-1543

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? COMMATO, JOSH OWNER since 5/3/2019
- 4) Who was/were the prior owner(s)/operator(s)? DUNCAN, CHRISTOPHER W, OWNER, 9/19/2002 to 5/2/2019
DUNCAN, CHRISTINA, OWNER, 9/19/2002 to 5/2/2019

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

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

- 1 Effective Date: 08/13/2019 ADMINORDER 2018-0269-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
Description: Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, there were several instances when the disinfectant residual was not monitored at least once every seven days.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)
Description: Failure by Lakeside Water Company 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.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)(4)
30 TAC Chapter 290, SubChapter D 290.39(l)(5)
Description: Failed to meet the conditions for an issued exception. Specifically, the Respondent was granted an exception for sanitary control easement and pressure cementing method and did not follow the conditions by failing to collect one raw water bacteriological sample per month.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failed to provide a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the plant operations manual did not include protocols to be utilized in the event of a natural or manmade catastrophe.

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
JOSH COMMATO 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.
4. An administrative penalty in the amount of nine thousand one hundred twenty-four dollars (\$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.
6. 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.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



6/20/22

For the Executive Director

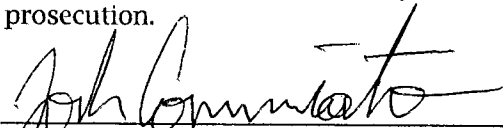
Date

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

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

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



4/25/22

signature -- Josh Commiato
2031 County Road 4675
Kennard, Texas 75847

Date

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