

Executive Summary – Enforcement Matter – Case No. 60977
Lake Livingston Water Supply Corporation
RN105711907
Docket No. 2021-0841-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lake Livingston WSSSC Oakridge North, 8765 Farm-to-Market Road 356, Trinity, Polk 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: April 8, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,017

Amount Deferred for Expedited Settlement: \$5,603

Total Paid to General Revenue: \$22,414

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 29, 2021 through May 3, 2021

Date(s) of NOE(s): June 24, 2021

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Violation Information

1. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records for the amount of each chemical used each day at the Impala Woods Plant ("IWP"); the amount of water treated and distributed each day at the Timber Bay Plant ("TBP"); dates dead-end mains at Camp Branch Acres, Deerwood, White Rock Estates, and Jungle Village were flushed in October 2020; disinfectant residual monitoring results for the IWP; calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers; free and total chlorine, monochloramine, ammonia, nitrite, and nitrate monitoring results; and Customer Service Inspection ("CSI") reports for the Timber Bay subdivision pool were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(I), (f)(3)(A)(iv), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(B)(ix), and (f)(3)(E)(iv)].
2. Failed to complete a CSI certificate prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. Specifically, the CSI for 289 Jaguar Lane was not completed [30 TEX. ADMIN. CODE § 290.46(j)].
3. Failed to calibrate the benchtop turbidimeter and on-line turbidimeter with primary standards at least once every 90 days. Specifically, the calibrations conducted on March 11, 2021 for the benchtop turbidimeter and the on-line turbidimeter were conducted 100 days from the last calibration instead of 90 days [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (s)(2)(B)(iii)].
4. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the raw water intake signage there was excessive vegetation. At the surface water treatment plant ("SWTP"), there was excessive vegetation along the left side and back left corner of the fencing and pump No. 3 was out of service. The clarifier weirs had accumulated algae. At the TBP, the generator and service pump No. 2 were out of service. At the Hawg Heaven Plant ("HHP"), the generator was out of service, and the 5,000-gallon pressure tank had mildew forming [30 TEX. ADMIN. CODE § 290.46(m)].
5. Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contain the name of the Facility and an emergency telephone number where a responsible official can be contacted. Specifically, the raw water pump station did not have an ownership sign posted [30 TEX. ADMIN. CODE § 290.46(t)].

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6. Failed to maintain a full face SCBA or supplied air respirator that meets OSHA standards and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency. Specifically, both SCBAs at the SWTP were almost empty. In addition, the bottle of fresh ammonia solution was located inside the chlorinator room and the chemical make-up room [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].
7. Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of a label or by various colors of paint. Specifically, it was documented that chemical feed lines on top of the clarifier were not labeled [30 TEX. ADMIN. CODE § 290.42(d)(13)].
8. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, there were two slow leaks in the sidewall of the clarifier. In addition, the end cap on the drain of the ground storage tank at the HHP was coming off and had a slow leak [30 TEX. ADMIN. CODE § 290.46(m)(4)].
9. Failed to inspect the Facility's two ground storage tanks ("GSTs") annually at IWP. Specifically, the inspections did not include an internal inspection of GSTs [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
10. Failed to maintain the intruder-resistant fence around each water treatment plant, potable water storage tank, pressure maintenance facility, and related appurtenances. Specifically, the barbed wire was disconnected from the separators in the back right corner, along the front fence line, and in the front left corner at the TBP. In addition, all sides of the fence at the HHP were falling down and there was no fencing around the 6,000-gallon pressure tank [30 TEX. ADMIN. CODE §§ 290.42(m) and 290.43(e)].
11. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, Pressure Plane No. 1 had 401 connections requiring 80,200 gallons of total storage capacity. However, 68,000 gallons were provided, indicating a 15% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(2)(E) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
12. Failed to provide two or more wells with a total capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, Pressure Plane No. 3 had 316 connections requiring a 189.6 gpm well capacity. However, only one well with a total capacity of 75 gpm was provided, indicating a 60% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
13. Failed to submit properly completed Surface Water Monthly Operating Reports ("SWMORs") with the required turbidity and disinfectant residual data to the Executive Director. Specifically, on November 18, 2020, the combined filter effluent ("CFE")

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turbidity value for nephelometric turbidity unit 4 ("NTU4") and NTU5 should have both been 0.30 and the water system reported "X" and 0.28, respectively. The max individual filter turbidities should have been 0.20 and 0.32 instead of the reported 0.22 and 0.18. On March 22, 2020, the CFE turbidity values for NTU1 and NTU3 should have been 0.10 and 0.09, respectively. The water system had reported "X" for both. The flow values for D1 performance data should have read 0.4982, but the water system reported 0.414 [30 TEX. ADMIN. CODE § 290.111(h)(2)].

14. Failed to have the recycle stream returned to the raw waterline upstream of the raw water sample tap. Specifically, the recycle stream is fed downstream of the raw water tap [30 TEX. ADMIN. CODE § 290.42(d)(3)(A)].

15. Failed to provide a flow-measuring device to measure the flow rate through specific treatment processes to facilitate use and to assist in the determination of chemical dosages, the accumulation of water production data, and the operation of plant facilities. Specifically, the flow meter located before the clearwell was broken [30 TEX. ADMIN. CODE 290.42(d)(5)].

16. Failed to calibrate the Facility's two discharge meters at least once every 12 months. Specifically, the two discharge flow meters after the service pumps at the SWTP had not been calibrated within the past 12 months [30 TEX. ADMIN. CODE § 290.46(s)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective actions:

- a. On March 11, 2021, calibrated the Facility's benchtop turbidimeter and on-line turbidimeter with primary standards.
- b. On April 29, 2021, relocated the ammonia solution outside the chlorinator room.
- c. On June 8, 2021, updated operational guidance and conducted employee training to ensure that calibrations are conducted timely.
- d. On June 30, 2021, conducted a CSI for 289 Jaguar Lane.
- e. On July 1, 2021:
 - i. Identified the chemical feed lines by use of labels on top of the clarifier;
 - ii. Removed the algae from the weirs;

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- iii. Repaired the barb wire at the TBP, repaired the fence at the HHP, and provided an intruder-resistant fence for the 6,000-gallon pressure tank;
 - iv. Repaired the end cap on the drain of the ground storage tank at the HHP;
 - v. Provided calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers and dates that dead-end mains were flushed for Camp Branch Acres, Deerwood, White Rock Estates, and Jungle Village;
 - vi. Removed overgrown vegetation around the signage for the raw water intake;
 - vii. Provided a legible sign at the raw water pump station; and
 - viii. Repaired pump No. 3 at the SWTP.
- f. On July 14, 2021, began maintaining a full-face self-contained-breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration standards and is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency at the SWTP.
- g. On August 10, 2021, repaired the generator at the HHP.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to a record of the amount of chemical used each day at the IWP; the amount of water treated and distributed each day at the TBP; disinfectant residual monitoring results for the IWP; calibration records for laboratory equipment; CSI Report for the Timber Bay Subdivision; and free and total chlorine, monochloramine, ammonia, nitrite, and nitrate monitoring results;
 - ii. Conduct the inspections of the Facility's two GSTs for IWP;
 - iii. Repair or replace the flow measuring device before the clearwell;
 - iv. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the complete submittal of SWMORs; and

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- v. Calibrate the Facility's two discharge meters after the service pumps at the SWTP.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days, begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to repairing both leaks on the clarifier at the HHP.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days:
 - i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment including but not limited to removing the excessive vegetation along the left side and back left corner of the fence at the SWTP, repairing the generators at the TBP, repairing or replacing service pump No. 2 at TBP, removing the mildew from the 5,000-gallon pressure tank at the HHP; and
 - ii. Relocate the raw water sample tap or obtain approval for the raw water sampling tap before the recycle stream.
- f. Within 105 days, submit written certification to demonstrate compliance with e.
- g. Within 180 days:
 - i. Provide a total storage capacity of at least 200 gallons per connection; and
 - ii. Provide two or more wells with a minimum well capacity of at least 0.6 gpm per connection.
- h. Within 195 days, submit written certification to demonstrate compliance with g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 8, MC R-14, (361) 825-3421; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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Respondent: Carl Polk, Board President, Lake Livingston Water Supply Corporation,
P.O. Box 1149, Livingston, Texas 77351
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-Jun-2021	Screening	29-Jun-2021	EPA Due	
	PCW	29-Jun-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Lake Livingston Water Supply Corporation
Reg. Ent. Ref. No.	RN105711907
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60977	No. of Violations	16
Docket No.	2021-0841-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$17,450
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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	65.0%	Adjustment	Subtotals 2, 3, & 7	\$11,342
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Notes: Enhancement for two agreed orders containing a denial of liability and one agreed order without 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	-\$775
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$12,399
 Estimated Cost of Compliance: \$111,381
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,017
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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:

Final Penalty Amount	\$28,017
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,017
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,603
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$22,414
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Screening Date 29-Jun-2021

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PCW

Respondent Lake Livingston Water Supply Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 60977

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN105711907

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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	1	25%
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) 65%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two agreed orders containing a denial of liability and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
Respondent Lake Livingston Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 60977 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(I), (f)(3)(A)(iv), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(B)(ix), and (f)(3)(E)(iv)
Violation Description Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records for the amount of each chemical used each day at the Impala Woods Plant ("IWP"); the amount of water treated and distributed each day at the Timber Bay Plant ("TBP"); dates dead-end mains at Camp Branch Acres, Deerwood, White Rock Estates, and Jungle Village were flushed in October 2020; disinfectant residual monitoring results for the IWP; calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers; free and total chlorine, monochloramine, ammonia, nitrite, and nitrate monitoring results; and Customer Service Inspection ("CSI") reports for the Timber Bay subdivision pool were not maintained on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
At least 70% of the rule requirements were met.					

Adjustment \$4,950

Violation Events

Number of Violation Events 1 61 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 Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

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

Estimated EB Amount \$3 **Violation Final Penalty Total** \$83

This violation Final Assessed Penalty (adjusted for limits) \$83

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
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	\$45	29-Apr-2021	1-Aug-2022	1.26	\$3	n/a	\$3
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 maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation 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

\$45

TOTAL

\$3

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Respondent Lake Livingston Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 60977 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$45	29-Apr-2021	30-Jun-2021	0.17	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement a CSI program to ensure that all service connections are properly inspected, calculated from the date of the investigation to the 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

\$45

TOTAL

\$0

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
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Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(B)(i) and (s)(2)(B)(iii)

Violation Description
 Failed to calibrate the benchtop turbidimeter and on-line turbidimeter with primary standards at least once every 90 days. Specifically, the calibrations conducted on March 11, 2021 for the benchtop turbidimeter and the on-line turbidimeter were conducted 100 days from the last calibration instead of 90 days.

Base Penalty \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 Failure to calibrate the benchtop turbidimeter and on-line turbidimeter with primary standards could cause persons served by the Facility to be exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$700

Two single events are recommended (one event per device).

Good Faith Efforts to Comply 25.0% Reduction \$175

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

Notes
 The Respondent achieved compliance on June 8, 2021.

Violation Subtotal \$525

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$980

This violation Final Assessed Penalty (adjusted for limits) \$980

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	29-Apr-2021	8-Jun-2021	0.11	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	1-Mar-2021	11-Mar-2021	0.03	\$0	n/a	\$0

Notes for DELAYED costs

The training and sampling cost includes the estimated amount for updating operational guidance and conduct employee training to ensure that calibrations are conducted timely (\$100), calculated from the date of the investigation to the date of compliance.

The delayed cost includes the estimated amount to calibrate the benchtop and on-line benchtop turbidimeter (\$5 every 90 days x two meters), calculated from the date the calibration was due to the date the calibration was conducted.

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

\$110

TOTAL

\$1

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
Respondent Lake Livingston Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 60977 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the raw water intake signage there was excessive vegetation. At the surface water treatment plant ("SWTP"), there was excessive vegetation along the left side and back left corner of the fencing and pump No. 3 was out of service. The clarifier weirs had accumulated algae. At the TBP, the generator and service pump No. 2 were out of service. At the Hawg Heaven Plant ("HHP"), the generator was out of service, and the 5,000 gallon pressure tank had mildew forming.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				7.0%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to ensure the good working condition and general appearance of the system's facilities and its equipment could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 7 61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,450

Seven single events are recommended (one event per facility/equipment).

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

Violation Subtotal \$2,450

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

Estimated EB Amount \$234 **Violation Final Penalty Total** \$4,043

This violation Final Assessed Penalty (adjusted for limits) \$4,043

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 4

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
Other	\$1,500	29-Apr-2021	1-Jul-2021	0.17	\$13	n/a	\$13
Other	\$500	29-Apr-2021	10-Aug-2021	0.28	\$7	n/a	\$7
Other (as needed)	\$3,000	29-Apr-2021	1-Oct-2022	1.42	\$214	n/a	\$214

Notes for DELAYED costs

The Other delayed cost includes the estimated amount to remove overgrown vegetation around the signage for the raw water intake, remove the algae on the weirs of the clarifier, and repair pump No. 3 at the SWTP, calculated from the date of the investigation to the date of compliance.

The Other delayed cost includes the estimated amount to repair the generator at the HHP, calculated from the date of the investigation to the date of compliance.

The Other (as needed) delayed cost includes the estimated amount to remove excessive vegetation along the left side and back left corner of the fence at the SWTP, repair or replace the generator at the TBP, repair or replace the service pump No. 2 at TBP, and remove the mildew from the 5,000-gallon pressure tank at the HHP, calculated from the date of the investigation 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

\$234

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
Respondent Lake Livingston Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 60977 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.46(t)
Violation Description Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contain the name of the Facility and an emergency telephone number where a responsible official can be contacted. Specifically, the raw water pump station did not have an ownership sign posted.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

100% of the rule requirements were not met.

Adjustment \$5,000

\$0

Violation Events

Number of Violation Events 1 61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$0

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$0

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

Notes The Respondent achieved compliance on July 1, 2021.

Violation Subtotal \$0

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 5

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)	\$100	29-Apr-2021	1-Jul-2021	0.17	\$0	\$1	\$1
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 amount to post a legible sign at each production, treatment, and storage facilities, calculated from the date of the investigation to the 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

\$100

TOTAL

\$1

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
Respondent Lake Livingston Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 60977 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(A)
Violation Description Failed to maintain a full face self-contained-breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency. Specifically, both SCBAs at the SWTP were almost empty. In addition, the bottle of fresh ammonia solution was located inside the chlorinator room and the chemical make-up room.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent 15.0%
	Release	Major	Moderate	
	Actual			
	Potential		x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

Matrix Notes Failure to maintain a full-face SCBA or supplied air respirator that meets OSHA standards and a small bottle of fresh ammonia solution for testing for chlorine leakage could expose employees to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 61 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the investigation date, April 29, 2021, to the date of screening, June 29, 2021.

Good Faith Efforts to Comply 10.0% Reduction \$75

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

Notes The Respondent achieved compliance on July 14, 2021.

Violation Subtotal \$675

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

Estimated EB Amount \$15 **Violation Final Penalty Total** \$1,163

This violation Final Assessed Penalty (adjusted for limits) \$1,163

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 6

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	\$1,000	29-Apr-2021	14-Jul-2021	0.21	\$1	\$14	\$15
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)	\$100	29-Apr-2021	29-Apr-2021	0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain a full-face SCBA or a supplied air respirator at the SWTP that meets OSHA standards and is readily accessible outside the chlorinator room, calculated from the date of the investigation to the date of compliance.

The Other (as needed) delayed cost includes the estimated amount to provide a small bottle of fresh ammonia solution outside the chlorinator room, calculated from the date of the investigation to the 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	\$1,100	TOTAL	\$15
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Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
Respondent Lake Livingston Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 60977 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of a label or by various colors of paint. Specifically, it was documented that chemical feed lines on top of the clarifier were not labeled.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes Failure to identify the chemical feed lines could expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended, calculated from the investigation date, April 29, 2021, to the date of screening, June 29, 2021.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent achieved compliance on July 1, 2021.

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 7

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)	\$200	29-Apr-2021	1-Jul-2021	0.17	\$0	\$2	\$2
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 label the chemical feed line on top of the clarifier, calculated from the date of the investigation to 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

\$200

TOTAL

\$2

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
Respondent Lake Livingston Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 60977 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)

Violation Description
 Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, there were two slow leaks in the sidewall of the clarifier. In addition, the end cap on the drain of the ground storage tank at the HHP was coming off and had a slow leak.

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 maintain the Facility's equipment in a watertight condition could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 61 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the investigation date, April 29, 2021, to the date of screening, June 29, 2021.

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

Violation Subtotal \$750

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

Estimated EB Amount \$51 **Violation Final Penalty Total** \$1,238

This violation Final Assessed Penalty (adjusted for limits) \$1,238

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 8

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)	\$500	29-Apr-2021	1-Sep-2022	1.34	\$2	\$45	\$47
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	\$500	29-Apr-2021	1-Jul-2021	0.17	\$4	n/a	\$4

Notes for DELAYED costs

The Other (as needed) delayed cost includes the estimated amount to repair leaks on the clarifier (\$500 per facility x one facility), calculated from the date of the investigation to the estimated date of compliance.

The Other delayed cost includes the estimated amount to repair the end cap on the drain of the ground storage tank at the HHP (\$500 per facility x one facility), calculated from the date of the investigation to the 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 \$1,000

TOTAL \$51

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
Respondent Lake Livingston Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
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Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)
Violation Description Failed to inspect the Facility's two ground storage tanks ("GST") annually at IWP. Specifically, the inspections did not include an internal inspection of GSTs.

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 inspect the GSTs on an annual basis could cause non-detection of defects and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,500

Two single events are recommended (one event per each GST).

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

Violation Subtotal \$1,500

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

Estimated EB Amount \$4 **Violation Final Penalty Total** \$2,475

This violation Final Assessed Penalty (adjusted for limits) \$2,475

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 9

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)	\$82	29-Apr-2021	1-Jun-2022	1.09	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct the annual GST inspections that includes the interior of the tank (\$41 per tank x two tanks), calculated from the date of the investigation 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

\$82

TOTAL

\$4

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
Respondent Lake Livingston Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
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Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 290.42(m) and 290.43(e)

Violation Description
 Failed to maintain the intruder-resistant fence around each water treatment plant, potable water storage tank, pressure maintenance facility, and related appurtenances. Specifically, the barbed wire was disconnected from the separators in the back right corner, along the front fence line, and in the front left corner at the TBP. In addition, all sides of the fence at the HHP were falling down and there was no fencing around the 6,000-gallon pressure tank.

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 maintain the intruder-resistant fence could result in contamination of the facilities exposing persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended (one event per Plant) calculated from the investigation date, April 29, 2021, to the date of screening, June 29, 2021.

Good Faith Efforts to Comply 10.0% Reduction \$150

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

Notes The Respondent achieved compliance on July 1, 2021.

Violation Subtotal \$1,350

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

Estimated EB Amount \$13 **Violation Final Penalty Total** \$2,325

This violation Final Assessed Penalty (adjusted for limits) \$2,325

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 10

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)	\$1,000	29-Apr-2021	1-Jul-2021	0.17	\$1	\$12	\$13
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 repair the barbed wire at the TBP, provide an intruder-resistant fence for the 6,000-gallon pressure tank at the HHP, and repair the fence at the HHP so the fence can be rendered intruder-resistant fence, calculated from the date of the investigation to the 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

\$1,000

TOTAL

\$13

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
Respondent Lake Livingston Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
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Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)(E) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a total storage capacity of 200 gallons per connection. Specifically, Pressure Plane No. 1 had 401 connections requiring 80,200 gallons of total storage capacity. However, 68,000 gallons were provided, indicating a 15% deficiency.

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 provide adequate total storage capacity could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 61 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the investigation date, April 29, 2021, to the date of screening, June 29, 2021.

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

Violation Subtotal \$750

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

Estimated EB Amount \$3,079 **Violation Final Penalty Total** \$1,238

This violation Final Assessed Penalty (adjusted for limits) \$1,238

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 11

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)	\$26,230	29-Apr-2021	1-Jan-2023	1.68	\$147	\$2,932	\$3,079
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 provide a total storage capacity of at least 200 gallons per connection at Pressure Plane No. 1 (\$2.15 x 12,200 gallons), calculated from the date of the investigation 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

\$26,230

TOTAL

\$3,079

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
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Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 12
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(i) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide two or more wells with a total capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Pressure Plane No. 3 had 316 connections requiring a 189.6 gpm well capacity. However, only one well with a total capacity of 75 gpm was provided, indicating a 60% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to provide adequate well capacity and the minimum number of wells could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Two monthly events are recommended, calculated from the investigation date, April 29, 2021, to the date of screening, June 29, 2021.

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 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 \$8,803 **Violation Final Penalty Total** \$4,950

This violation Final Assessed Penalty (adjusted for limits) \$4,950

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 12

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)	\$75,000	29-Apr-2021	1-Jan-2023	1.68	\$419	\$8,384	\$8,803
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 provide two or more wells with a total well capacity of at least 0.6 gpm per connection, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$75,000

TOTAL

\$8,803

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
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Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code § 290.111(h)(2)

Violation Description
 Failed to submit properly completed Surface Water Monthly Operating Reports ("SWMORs") with the required turbidity and disinfectant residual data to the Executive Director. Specifically, on November 18, 2020, the combined filter effluent ("CFE") turbidity value for nephelometric turbidity unit 4 ("NTU4") and NTU5 should have both been 0.30 and the water system reported "X" and 0.28, respectively. The max individual filter turbidities should have been 0.20 and 0.32 instead of the reported 0.22 and 0.18. On March 22, 2020, the CFE turbidity values for NTU1 and NTU3 should have been 0.10 and 0.09, respectively. The water system had reported "X" for both. The flow values for D1 performance data should have read 0.4982, but the water system reported 0.414.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

Matrix Notes At least 70% of the rule requirements were met.

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 61 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 EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$50

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

Estimated EB Amount \$9 **Violation Final Penalty Total** \$83

This violation Final Assessed Penalty (adjusted for limits) \$83

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 13

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	\$45	29-Apr-2021	1-Aug-2022	1.26	\$3	n/a	\$3
Training/Sampling	\$100	29-Apr-2021	1-Aug-2022	1.26	\$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 update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the complete submittal of SWMORS, calculated from the date of the investigation 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

\$145

TOTAL

\$9

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
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Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 14
Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(3)(A)
Violation Description Failed to have the recycle stream returned to the raw waterline upstream of the raw water sample tap. Specifically, the recycle stream is fed downstream of the raw water tap.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential		x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to have the recycle stream returned upstream of the water sample tap could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 61 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the investigation date, April 29, 2021, to the date of screening, June 29, 2021.

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

Violation Subtotal \$750

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

Estimated EB Amount \$100 **Violation Final Penalty Total** \$1,238

This violation Final Assessed Penalty (adjusted for limits) \$1,238

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 14

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)	\$1,000	29-Apr-2021	1-Oct-2022	1.42	\$5	\$95	\$100
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 relocate the raw water sample tap or obtain approval for the raw sampling tap before the recycle stream, calculated from the date of the investigation 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

\$1,000

TOTAL

\$100

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
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Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 15
Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(5)
Violation Description Failed to provide a flow-measuring device to measure the flow rate through specific treatment processes to facilitate use and to assist in the determination of chemical dosages, the accumulation of water production data, and the operation of plant facilities. Specifically, the flow meter located before the clearwell was broken.

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 provide a flow-measuring device through specific treatment processes could result in inaccurate water production data which affect treatment practices, thereby exposing persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 61 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the investigation date, April 29, 2021, to the date of screening, June 29, 2021.

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

Violation Subtotal \$750

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

Estimated EB Amount \$18 **Violation Final Penalty Total** \$1,238

This violation Final Assessed Penalty (adjusted for limits) \$1,238

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 15

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	\$200	29-Apr-2021	1-Aug-2022	1.26	\$1	\$17	\$18
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 repair or replace the flow-measuring device before the clearwell, calculated from the date of the investigation 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

\$200

TOTAL

\$18

Screening Date 29-Jun-2021 **Docket No.** 2021-0841-PWS-E **PCW**
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Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 16

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)

Violation Description Failed to calibrate the Facility's two discharge meters at least once every 12 months. Specifically, the two discharge flow meters after the service pumps at the SWTP had not been calibrated within the past 12 months.

Base Penalty \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential			x		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to calibrate the discharge meters could result in inaccurate water usage or unavailable water usage and production data which could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$700

Two single events are recommended (one for each meter).

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

Violation Subtotal \$700

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

Estimated EB Amount \$66 **Violation Final Penalty Total** \$1,155

This violation Final Assessed Penalty (adjusted for limits) \$1,155

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 60977
Reg. Ent. Reference No. RN105711907
Media Public Water Supply
Violation No. 16

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	\$62	29-Apr-2021	1-Aug-2022	1.26	\$4	n/a	\$4
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 calibrate the Facility's discharge meters (\$31 per discharge meter x two meters), calculated from the date of the investigation 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	\$62	29-Apr-2021	1-Jun-2021	0.09	\$0	\$62	\$62
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the Facility's discharge meters (\$31 per discharge meter x two meters), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$124

TOTAL

\$66

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600623029, RN105711907, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600623029, Lake Livingston Water Supply Corporation
Classification: SATISFACTORY **Rating:** 0.25
Regulated Entity: RN105711907, LAKE LIVINGSTON WSSSC OAKRIDGE NORTH
Classification: NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 8765 FARM-TO-MARKET ROAD 356, TRINITY, POLK COUNTY, TEXAS
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1870165

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: October 22, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 22, 2016 to October 22, 2021

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

Name: EPIFANIO VILLARREAL

Phone: (361) 881-6991

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 01/16/2018 ADMINORDER 2017-0891-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(A)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 02/2017 - Failed for four days to achieve a turbidity level of the CFE that is 1.0 NTU or less during the month of February 2017.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 02/2017 - Failed to achieve a turbidity level of the CFE that is 0.3 NTU or less in at least 95% of the samples tested. Specifically, only 41.4% of the of the CFE readings were 0.3 NTU or less during the month of February 2017.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2015 - Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year, and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the calendar year 2015.

- 2 Effective Date: 07/11/2019 ADMINORDER 2018-0327-PWS-E (Findings Order-Agreed Order Without Denial)
- Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(3)
30 TAC Chapter 290, SubChapter F 290.110(c)(3)
30 TAC Chapter 290, SubChapter F 290.110(f)(5)(B)
5A THSC Chapter 341, SubChapter A 341.031
- Description: CLO2 Acute MRDL MAY/2016 - The system violated the MRDL for chlorine dioxide and failed to collect each of the three additional distribution samples required during the month of 05/2016.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(3)
30 TAC Chapter 290, SubChapter F 290.110(c)(3)
30 TAC Chapter 290, SubChapter F 290.110(f)(5)(B)
5A THSC Chapter 341, SubChapter A 341.031
- Description: CLO2 Acute MRDL AUG/2016 - The system violated the MRDL for chlorine dioxide and failed to collect each of the three additional distribution samples required during the month of 08/2016.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: SWTR MR PN JAN/2017 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 failing to monitor or report as required in the Surface Water Monthly Operating Report (SWMOR) individual filter effluent turbidity data when the plant was online during the month of 01/2017.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: OCT/2017 SWTR CT Non-Acute TT PN 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 for the low CT greater than 4 hours violation during the month of 10/2017.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(3)
30 TAC Chapter 290, SubChapter F 290.110(c)(3)
30 TAC Chapter 290, SubChapter F 290.110(f)(5)(B)
5A THSC Chapter 341, SubChapter A 341.031
- Description: CLO2 Acute MRDL MAY/2016 - The system violated the MRDL for chlorine dioxide and failed to collect each of the three additional distribution samples required during the month of 05/2016.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(3)
30 TAC Chapter 290, SubChapter F 290.110(c)(3)
30 TAC Chapter 290, SubChapter F 290.110(f)(5)(B)
5A THSC Chapter 341, SubChapter A 341.031
- Description: CLO2 Acute MRDL MAY/2016 - The system violated the MRDL for chlorine dioxide and failed to collect each of the three additional distribution samples required during the month of 05/2016.

- 3 Effective Date: 05/11/2021 ADMINORDER 2020-0597-PWS-E (1660 Order-Agreed Order With Denial)
- Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.118(a)
30 TAC Chapter 290, SubChapter F 290.118(b)
- Description: Failed to meet the maximum secondary constituent level ("MSCL") of greater than 7.0 standard units for pH or receive written approval from the Executive Director to use the water source for public drinking water
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
- Description: Failed to issue a boil water notice to the customers of the Facility using the prescribed format in 30 TEX. ADMIN. CODE § 290.47(c)(1) by using one or more of the Tier 1 delivery methods as described in 30 TEX. ADMIN. CODE § 290.122(a)(2)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ix)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
- Description: Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)

Description: Failed to establish a restricted zone of 200 feet radius from the raw water intake works prohibiting all

recreational activities and trespassing, designated with signs recounting these restrictions that are visible from all parts of the restricted area.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failed to provide an air gap for the filter-to-waste connection with a height of at least twice the diameter of the water supply outlet above the ground surface,

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)

Description: Failed to provide adequate containment for all liquid chemical storage tanks

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)

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

Description: Failed to provide a raw water pump capacity of 0.6 gallon per minute ("gpm") per connection with the largest pump out of service

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)

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

Description: Failed to provide a treatment plant capacity of 0.6 gpm per connection under normal rated design flow

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)

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

Description: Failed to provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)

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

Description: Failed to provide Pressure Plane No. 1 with two or more service pumps having a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)

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

Description: Failed to provide Pressure Plane No. 1 with an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE §290.45(b)(2)(G)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 2 June 14, 2018 (1485831)

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.

N/A

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
LAKE LIVINGSTON WATER
SUPPLY CORPORATION
RN105711907**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0841-PWS-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lake Livingston Water Supply Corporation (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located on 8765 Farm-to-Market Road 356 in Trinity, Polk County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,309 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. The Executive Director and the 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 the Respondent is subject to 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 the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$28,017 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$22,414 of the penalty and \$5,603 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, 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 that the Respondent has not complied with one or more of the terms or conditions 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 compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective actions at the Facility:
 - a. On March 11, 2021, calibrated the Facility's benchtop turbidimeter and on-line turbidimeter with primary standards.
 - b. On April 29, 2021, relocated the ammonia solution outside the chlorinator room.
 - c. On June 8, 2021, updated operational guidance and conducted employee training to ensure that calibrations are conducted timely.
 - d. On June 30, 2021, conducted a Customer Service Inspection ("CSI") for 289 Jaguar Lane.
 - e. On July 1, 2021:
 - i. Identified the chemical feed lines by use of labels on top of the clarifier;
 - ii. Removed the algae from the weirs;
 - iii. Repaired the barb wire at the Timber Bay Plant ("TBP"), repaired the fence at the Hawg Heaven Plant ("HHP"), and provided an intruder-resistant fence for the 6,000-gallon pressure tank;
 - iv. Repaired the end cap on the drain of the ground storage tank at the HHP;
 - v. Provided calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers and dates that dead-end mains were flushed for Camp Branch Acres, Deerwood, White Rock Estates, and Jungle Village;

- vi. Removed overgrown vegetation around the signage for the raw water intake;
 - vii. Provided a legible sign at the raw water pump station; and
 - viii. Repaired pump No. 3 at the surface water treatment plant ("SWTP").
- f. On July 14, 2021, began maintaining a full-face self-contained-breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards and is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency at the SWTP.
- g. On August 10, 2021, repaired the generator at the HHP.

II. ALLEGATIONS

During an investigation conducted on April 29, 2021 through May 3, 2021, an investigator documented that the Respondent:

1. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(I), (f)(3)(A)(iv), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(B)(ix), and (f)(3)(E)(iv). Specifically, records for the amount of each chemical used each day at the Impala Woods Plant ("IWP"); the amount of water treated and distributed each day at the TBP; dates dead-end mains at Camp Branch Acres, Deerwood, White Rock Estates, and Jungle Village were flushed in October 2020; disinfectant residual monitoring results for the IWP; calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers; free and total chlorine, monochloramine, ammonia, nitrite, and nitrate monitoring results; and CSI reports for the Timber Bay subdivision pool were not maintained on-site for review.
2. Failed to complete a CSI certificate prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j). Specifically, the CSI for 289 Jaguar Lane was not completed.
3. Failed to calibrate the benchtop turbidimeter and on-line turbidimeter with primary standards at least once every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (s)(2)(B)(iii). Specifically, the calibrations conducted on March 11, 2021 for the benchtop turbidimeter and the on-line turbidimeter were conducted 100 days from the last calibration instead of 90 days.
4. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m). Specifically, at the raw water intake signage there was excessive vegetation. At the SWTP, there was excessive vegetation along the left side

and back left corner of the fencing and pump No. 3 was out of service. The clarifier weirs had accumulated algae. At the TBP, the generator and service pump No. 2 were out of service. At the HHP, the generator was out of service, and the 5,000-gallon pressure tank had mildew forming.

5. Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contain the name of the Facility and an emergency telephone number where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t). Specifically, the raw water pump station did not have an ownership sign posted.
6. Failed to maintain a full face SCBA or supplied air respirator that meets OSHA standards and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A). Specifically, both SCBAs at the SWTP were almost empty. In addition, the bottle of fresh ammonia solution was located inside the chlorinator room and the chemical make-up room.
7. Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of a label or by various colors of paint, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(13). Specifically, it was documented that chemical feed lines on top of the clarifier were not labeled.
8. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4). Specifically, there were two slow leaks in the sidewall of the clarifier. In addition, the end cap on the drain of the ground storage tank at the HHP was coming off and had a slow leak.
9. Failed to inspect the Facility's two ground storage tanks ("GSTs") annually at IWP, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A). Specifically, the inspections did not include an internal inspection of GSTs.
10. Failed to maintain the intruder-resistant fence around each water treatment plant, potable water storage tank, pressure maintenance facility, and related appurtenances, in violation of 30 TEX. ADMIN. CODE §§ 290.42(m) and 290.43(e). Specifically, the barbed wire was disconnected from the separators in the back right corner, along the front fence line, and in the front left corner at the TBP. In addition, all sides of the fence at the HHP were falling down and there was no fencing around the 6,000-gallon pressure tank.
11. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(E) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, Pressure Plane No. 1 had 401 connections requiring 80,200 gallons of total storage capacity. However, 68,000 gallons were provided, indicating a 15% deficiency.
12. Failed to provide two or more wells with a total capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, Pressure Plane No. 3 had 316 connections requiring a 189.6 gpm well capacity. However, only one well with a total capacity of 75 gpm was provided, indicating a 60% deficiency.

13. Failed to submit properly completed Surface Water Monthly Operating Reports ("SWMORs") with the required turbidity and disinfectant residual data to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.111(h)(2). Specifically, on November 18, 2020, the combined filter effluent ("CFE") turbidity value for nephelometric turbidity unit 4 ("NTU4") and NTU5 should have both been 0.30 and the water system reported "X" and 0.28, respectively. The max individual filter turbidities should have been 0.20 and 0.32 instead of the reported 0.22 and 0.18. On March 22, 2020, the CFE turbidity values for NTU1 and NTU3 should have been 0.10 and 0.09, respectively. The water system had reported "X" for both. The flow values for D1 performance data should have read 0.4982, but the water system reported 0.414.
14. Failed to have the recycle stream returned to the raw waterline upstream of the raw water sample tap, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(3)(A). Specifically, the recycle stream is fed downstream of the raw water tap.
15. Failed to provide a flow-measuring device to measure the flow rate through specific treatment processes to facilitate use and to assist in the determination of chemical dosages, the accumulation of water production data, and the operation of plant facilities, in violation of 30 TEX. ADMIN CODE 290.42(d)(5). Specifically, the flow meter located before the clearwell was broken.
16. Failed to calibrate the Facility's two discharge meters at least once every 12 months, in accordance with 30 TEX. ADMIN. CODE § 290.46(s)(1). Specifically, the two discharge flow meters after the service pumps at the SWTP had not been calibrated within the past 12 months.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of 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 action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lake Livingston Water Supply Corporation, Docket No. 2021-0841-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 Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to a record of the amount of chemical used each day at the IWP; the amount of water treated and distributed each day at the TBP; disinfectant residual monitoring results for the IWP; calibration records for laboratory equipment; CSI Report for the Timber Bay Subdivision; and free and total chlorine, monochloramine, ammonia, nitrite, and nitrate monitoring results, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Conduct the inspections of the Facility's two GSTs for IWP, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Repair or replace the flow measuring device before the clearwell, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - iv. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the complete submittal of SWMORs, in accordance with 30 TEX. ADMIN. CODE § 290.111; and
 - v. Calibrate the Facility's two discharge meters after the service pumps at the SWTP, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.v.
- c. Within 60 days after the effective date of this Order, begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to repairing both leaks on the clarifier at the HHP, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Order:
 - i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment including but not limited to removing the excessive vegetation along the left side and back left corner of the fence at the SWTP, repairing the generators at the TBP, repairing or replacing service pump No. 2 at TBP, removing the mildew from the 5,000-gallon pressure tank at the HHP, in accordance with 30 TEX. ADMIN. CODE § 290.46; and

- ii. Relocate the raw water sample tap or obtain approval for the raw water sampling tap before the recycle stream, in accordance with 30 TEX. ADMIN. CODE § 290.42.

The exception letter can be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii.
- g. Within 180 days after the effective date of this Order:
 - i. Provide a total storage capacity of at least 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide two or more wells with a minimum well capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 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. 2.g.i and 2.g.ii. The certification shall be signed by the Respondent and shall include the following certification language:

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

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the 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 Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. 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.
8. 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



9/28/2022

For the Executive Director

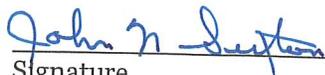
Date

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

Date

8-25-22

JOHN N SEXTON

Name (Printed or typed)

Title

Board President

Authorized Representative of
Lake Livingston Water Supply Corporation

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.