

Order Type:
Findings Agreed Order

Findings Order Justification:
Three or more enforcement actions over the prior five-year period for the same violations.

Media:
PWS

Small Business:
Yes

Location Where Violations Occurred:
20 Tiki Drive, Seadrift, Calhoun County

Type of Operation:
public water supply

Other Significant Matters:
Additional Pending Enforcement Actions: Yes; 2021-0218-MLM-E; 2023-0886-PWS-E
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third-Parties: None

Texas Register Publication Date: August 23, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$8,819

Total Paid to General Revenue: \$279

Total Due to General Revenue: \$8,540
35 payments of \$244 each

Compliance History Classifications:
Person/CN - Unclassified
Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Dates of Investigation: August 8, 2022 through August 19, 2022

Dates of NOVs: See Compliance History - 13 related NOVs

Date of NOE: August 19, 2022

Violation Information

1. Failed to collect lead and copper tap samples at the required five sampling sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2021 through June 30, 2021 and the July 1, 2021 through December 31, 2021 monitoring periods [30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1)].
2. Failed to provide the results of Stage 2 Disinfection Byproducts (“DBP2”) sampling to the Executive Director for the fourth quarter of 2020 through the first quarter of 2022 [30 TEX. ADMIN. CODE § 290.115(e)].
3. Failed to conduct water quality parameter sampling at the Facility’s one entry point and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2021 through December 31, 2021 monitoring period [30 TEX. ADMIN. CODE § 290.117(e)(2), (h), and (i)(3)].
4. Failed to provide the results of nitrate sampling to the Executive Director for the January 1, 2020, through December 31, 2020 and January 1, 2021 through December 31, 2021 monitoring periods [30 TEX. ADMIN. CODE § 290.106(e)].
5. Failed to provide the results of DBP2 sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period [30 TEX. ADMIN. CODE § 290.115(e)].
6. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13049 for calendar years 2019 through 2021 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Immediately collect one water quality parameter sample at the Facility’s one entry point and one water quality parameter sample at each of the Facility’s required distribution sample sites on a quarterly basis throughout the first six-month monitoring period and ensure that the samples are analyzed, and the results reported to the Executive Director.
2. Within 30 days:
 - a. Ensure that all delinquent drinking water chemical analysis results for DBP2 and nitrate sampling are reported to the Executive Director;
 - b. Implement improvements to the Facility’s process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for DBP2 and nitrate are released by the Facility’s laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first;
 - c. Implement improvements to the Facility’s process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period;
 - d. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period; and

- e. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 13049 for calendar years 2019 through 2021.
3. Submit written certification to demonstrate compliance:
- a. Within 45 days for Technical Requirement Nos. 2.a. through 2.c.;
 - b. Within 195 days for Technical Requirement No. 1; and
 - c. Within 225 days for Technical Requirement No. 2.d.

Litigation Information

Date Petitions Filed: May 7, 2024
Date of Service: May 13, 2024
Settlement Date: July 18, 2024

Contact Information

TCEQ Attorneys: Jennifer Peltier, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: Claudia Bartley, Enforcement Division, (512) 239-1116
TCEQ Regional Contact: Melanie Edwards, Corpus Christi Regional Office, (361) 881-6900
Respondent Contact: Timothy C. Doolin, Managing Member, Seaport Lakes Water System, LLC, P.O.
Box 815, Port O Connor, Texas 77982-0815
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-Aug-2022	Screening	23-Aug-2022	EPA Due	31-Mar-2022
	PCW	6-Sep-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Seaport Lakes Water System, LLC
Reg. Ent. Ref. No.	RN104394176
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62779	No. of Violations	6
Docket No.	2022-1010-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Claudia Bartley
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	26.0%	Adjustment	Subtotals 2, 3, & 7	\$1,755
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Notes	Enhancement for thirteen NOVs with dissimilar violations.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$461	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,307	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,505
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OTHER FACTORS AS JUSTICE MAY REQUIRE	3.7%	Adjustment	\$314
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 1.
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Final Penalty Amount	\$8,819
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,819
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$8,819
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Screening Date 23-Aug-2022

Docket No. 2022-1010-PWS-E

PCW

Respondent Seaport Lakes Water System, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62779

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104394176

Media Public Water Supply

Enf. Coordinator Claudia Bartley

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	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 26%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for thirteen NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 26%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 26%

Screening Date 23-Aug-2022
Respondent Seaport Lakes Water System, LLC
Case ID No. 62779
Reg. Ent. Reference No. RN104394176
Media Public Water Supply
Enf. Coordinator Claudia Bartley

Docket No. 2022-1010-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.117(c)(2)(A), (h), and (i)(1)

Violation Description

Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2021 through June 30, 2021 and the July 1, 2021 through December 31, 2021 monitoring periods.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 364 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,500

Two single events are 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 \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$325

Violation Final Penalty Total \$1,960

This violation Final Assessed Penalty (adjusted for limits) \$1,960

Economic Benefit Worksheet

Respondent Seaport Lakes Water System, LLC
Case ID No. 62779
Reg. Ent. Reference No. RN104394176
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	8-Aug-2022	17-Sep-2024	2.11	\$11	n/a	\$11
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 implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$150	30-Jun-2021	23-Aug-2022	1.15	\$9	\$150	\$159
Other (as needed)	\$150	31-Dec-2021	23-Aug-2022	0.64	\$5	\$150	\$155

Notes for AVOIDED costs

The avoided costs include the estimated amount to collect and have analyzed the required lead and copper tap samples (\$30 per sample x five missed samples x each monitoring period), calculated from the last date in which sampling was required to the date of screening.

Approx. Cost of Compliance \$400

TOTAL \$325

Screening Date 23-Aug-2022 **Docket No.** 2022-1010-PWS-E **PCW**
Respondent Seaport Lakes Water System, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62779 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104394176
Media Public Water Supply
Enf. Coordinator Claudia Bartley

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Seaport Lakes Water System, LLC
Case ID No. 62779
Reg. Ent. Reference No. RN104394176
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	\$100	8-Aug-2022	17-Mar-2024	1.61	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$642	31-Dec-2020	17-Mar-2024	3.21	\$103	n/a	\$103

Notes for DELAYED costs

The Training/Sampling cost including the estimated cost to implement process procedures, guidance, training, and/or oversight to ensure that future drinking water sample results are released by the Facility's laboratories and reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$106.96 for DBP2 sampling x six samples) so that the lab will release all drinking water chemical analysis results, calculated from the earliest date the sampling results were due to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$742

TOTAL

\$111

Screening Date 23-Aug-2022 **Docket No.** 2022-1010-PWS-E **PCW**
Respondent Seaport Lakes Water System, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62779 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104394176
Media Public Water Supply
Enf. Coordinator Claudia Bartley

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	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"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

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"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Seaport Lakes Water System, LLC
Case ID No. 62779
Reg. Ent. Reference No. RN104394176
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	\$40	31-Dec-2021	18-Aug-2024	2.63	\$5	n/a	\$5
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 collect all required water quality parameter samples [\$20 per sample x one missed sample x (one entry point + one distribution sample site) x one monitoring period], calculated from the last day of the monitoring period of non-compliance to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40

TOTAL

\$5

Screening Date 23-Aug-2022 **Docket No.** 2022-1010-PWS-E **PCW**
Respondent Seaport Lakes Water System, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62779 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104394176
Media Public Water Supply
Enf. Coordinator Claudia Bartley

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="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Seaport Lakes Water System, LLC
Case ID No. 62779
Reg. Ent. Reference No. RN104394176
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
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$18	31-Dec-2020	17-Mar-2024	3.21	\$3	n/a	\$3

Notes for DELAYED costs

The Training/Sampling cost including the estimated cost to implement process procedures, guidance, training, and/or oversight to ensure that future drinking water sample results are released by the Facility's laboratories and reported to the Executive Director, is captured in the Economic Benefit Worksheet for Violation No. 2.

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$8.74 for nitrate x two samples) so that the lab will release all drinking water chemical analysis results, calculated from the earliest date the sampling results were due to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$18

TOTAL

\$3

Screening Date 23-Aug-2022 **Docket No.** 2022-1010-PWS-E **PCW**
Respondent Seaport Lakes Water System, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62779 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104394176
Media Public Water Supply
Enf. Coordinator Claudia Bartley

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.115(e)
Violation Description Failed to provide the results of DBP2 sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			10.0%

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

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 600 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

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 \$500

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

Estimated EB Amount \$17 **Violation Final Penalty Total** \$653

This violation Final Assessed Penalty (adjusted for limits) \$653

Economic Benefit Worksheet

Respondent Seaport Lakes Water System, LLC
Case ID No. 62779
Reg. Ent. Reference No. RN104394176
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
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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)	\$107	31-Dec-2020	17-Mar-2024	3.21	\$17	n/a	\$17

Notes for DELAYED costs

The Training/Sampling cost including the estimated cost to implement process procedures, guidance, training, and/or oversight to ensure that future drinking water sample results are released by the Facility's laboratories and reported to the Executive Director, is captured in the Economic Benefit Worksheet for Violation No. 2.

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$106.96 for DBP2) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$107

TOTAL

\$17

Screening Date 23-Aug-2022 **Docket No.** 2022-1010-PWS-E **PCW**
Respondent Seaport Lakes Water System, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62779 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104394176
Media Public Water Supply
Enf. Coordinator Claudia Bartley

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	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
- weekly
- monthly
- quarterly
- semiannual
- annual
- single event

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"/>
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 Seaport Lakes Water System, LLC
Case ID No. 62779
Reg. Ent. Reference No. RN104394176
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs: N/A							

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: N/A							

Approx. Cost of Compliance \$0

TOTAL \$0



Compliance History Report

Compliance History Report for CN605750033, RN104394176, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605750033, Seaport Lakes Water System, LLC **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN104394176, SEAPORT LAKES SUBDIVISION **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 20 TIKI DRIVE NEAR SEADRIFT, CALHOUN COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0290066

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: October 16, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 16, 2018 to October 16, 2023

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

Name: Claudia Bartley

Phone: (512) 239-1116

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? Seaport Lakes Water System, LLC OWNER since 7/15/2019
- 4) Who was/were the prior owner(s)/operator(s)? Seaport Lakes Estates Associates, Inc., OWNER, 12/21/2006 to 7/14/2019
NELSON, TERRY, OWNER, 2/28/2019 to 7/14/2019

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

1 Date: 11/03/2022 (1910589)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

- Description: 30 TAC Chapter 290, SubChapter F 290.122(f)
LCR IN MR PN 1st 6M2021 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution initial lead and copper monitoring and reporting violation for the six-month monitoring period from 01/01/2021 to 06/30/2021. ETT Point Value = 1; SAMPLES NOT COLLECTED
- 2 Date: 11/14/2022 (1910589)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(5)
Description: DBP2 TTHM OEL Reporting 2Q2022 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at 50 Dewberry Lane, Seadrift (DBP2-01) within the required timeline. ETT Point Value = 1
- 3 Date: 12/07/2022 (1910589)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2022 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2022 within the required timeline. ETT Point Value = 1
- 4 Date: 01/04/2023 (1910589)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DBP2 MR PN 3Q2021 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant byproducts monitoring and reporting violation for the quarterly monitoring period from 07/01/2021 to 09/01/2021. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 08/17/2021
- 5 Date: 03/14/2023 (1910589)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: LCR RT MR PN 2nd 6M2021 - Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 07/01/2021 to 12/31/2021. ETT Point Value = 1; SAMPLES NOT COLLECTED
- 6 Date: 03/21/2023 (1910589)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: CN MR 3Y2022 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2020 to 12/31/2022 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/16/2022
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: MTL/MIN MR 3Y2022 - The system failed to monitor and/or report metal/mineral levels to the TCEQ for the triennial monitoring period from 01/01/2020 to 12/31/2022 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 12/16/2022

- 7 Date: 03/27/2023 (1910589)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 4Q2022 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2022 within the required timeline. ETT Point Value = 1
- 8 Date: 03/29/2023 (1910589)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: LCR WQP PN Reduced 2021 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a water quality parameter monitoring and reporting violation for the monitoring period from 01/01/2021 to 12/31/2021 at the entry point and the distribution system. ETT Point Value = 1
- 9 Date: 04/19/2023 (1910589)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: DBP2 MR PN 4Q2021 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant byproducts monitoring and reporting violation for the quarterly monitoring period from 10/01/2021 to 12/31/2021. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 11/08/2021
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: NO3 MR PN YR2021 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2021 to 12/31/2021. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 03/23/2021
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: VOC MR PN YR2021 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a volatile organic contaminants monitoring and reporting violation for the annual monitoring period from 01/01/2021 to 12/31/2021. ETT Point Value = 1; {SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 06/01/2021
- 10 Date: 05/19/2023 (1910589)
 Self Report? NO 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 2021 - The system failed to provide the Consumer Confidence Report (CCR) for 2021 to its bill-paying customers and/or the TCEQ by July 1st of the following year. ETT Point Value = 1
- 11 Date: 05/30/2023 (1910589)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 30 TAC Chapter 290, SubChapter F 290.108(f)(3)
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)
 Description: RAD MR 3Y2022 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the triennial monitoring period from 01/01/2020 to 12/31/2022 within the required timeline. ETT Point Value = 1; SAMPLE RESULTS NOT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
SEAPORT LAKES WATER SYSTEM, LLC;
RN104394176

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2022-1010-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Seaport Lakes Water System, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system ("PWS") located at 20 Tiki Drive near Seadrift, Calhoun County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 14 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review conducted between August 8, 2022 through August 19, 2022, an investigator documented that Respondent:
 - a. Failed to collect lead and copper tap samples at the required five sampling sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2021 through June 30, 2021 and the July 1, 2021 through December 31, 2021 monitoring periods;
 - b. Failed to provide the results of Stage 2 Disinfection Byproducts ("DBP2") sampling to the Executive Director for the fourth quarter of 2020 through the first quarter of 2022;
 - c. Failed to conduct water quality parameter sampling at the Facility's one entry point and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2021 through December 31, 2021 monitoring period;

- d. Failed to provide the results of nitrate sampling to the Executive Director for the January 1, 2020, through December 31, 2020 and January 1, 2021 through December 31, 2021 monitoring periods; and
 - e. Failed to provide the results of DBP2 sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period.
3. During a record review conducted on September 2, 2022, an investigator documented that Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13049 for calendar years 2019 through 2021.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to collect lead and copper tap samples at the required five sampling sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2021 through June 30, 2021 and the July 1, 2021 through December 31, 2021 monitoring periods, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide the results of DBP2 sampling to the Executive Director for the fourth quarter of 2020 through the first quarter of 2022, in violation of 30 TEX. ADMIN. CODE § 290.115(e).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to conduct water quality parameter sampling at the Facility's one entry point and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2021 through December 31, 2021 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.117(e)(2), (h), and (i)(3).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the results of nitrate sampling to the Executive Director for the January 1, 2020, through December 31, 2020 and January 1, 2021 through December 31, 2021 monitoring periods, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide the results of DBP2 sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.115(e).
7. As evidenced by Finding of Fact No. 3, Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13049 for calendar years 2019 through 2021, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76.
8. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of \$8,819 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Respondent paid \$279 of the penalty. The remaining amount of \$8,540 shall be paid in 35 monthly payments of \$244 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the

penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 9 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Seaport Lakes Water System, LLC, Docket No. 2022-1010-PWS-E" to:

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

2. Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, collect one water quality parameter sample at the Facility's one entry point and one water quality parameter sample at each of the Facility's required distribution sample sites on a quarterly basis throughout the first six-month monitoring period¹ and ensure that the samples are analyzed, and the results reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.117.
 - b. Within 30 days after the effective date of this Order:
 - i. Ensure that all delinquent drinking water chemical analysis results for DBP2 and nitrate sampling are reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE §§ 290.115 and 290.106;
 - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for DBP2 and nitrate are released by the Facility's laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the PWS, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance 30 TEX. ADMIN. CODE §§ 290.106 and 290.115;
 - iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117;

¹ "First six-month monitoring period" refers to the January 1 through June 30 or July 1 through December 31 monitoring period that begins immediately after the effective date of the Commission Order.

- iv. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the Executive Director for one compliant monitoring period; and
- v. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 13049 for calendar years 2019 through 2021. The payment, along with the associated Revenue and Regulatory Assessment Reports, shall be sent 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

- c. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.i. through 2.b.iii.
- d. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- e. Within 225 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.iv.
- f. The certification shall be signed by Respondent and shall include the following certification language:

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

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
7. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



9/9/24

For the Executive Director

Date

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

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

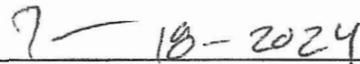
- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;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

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



Signature - Timothy C. Doolin, Managing Member
Seaport Lakes Water System, LLC
P.O. Box 815
Port O'Connor, Texas 77982-0815

Date



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