

Executive Summary – Enforcement Matter – Case No. 63080
Lake Livingston Water Supply Corporation
RN105711931
Docket No. 2022-1298-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Lake Livingston Pineshadows East, 4415 Farm-to-Market Road 3216, Livingston, 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: May 16, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,494

Amount Deferred for Expedited Settlement: \$4,098

Total Paid to General Revenue: \$471

Total Due to General Revenue: \$15,925

Payment Plan: 35 payments of \$455 each

Compliance History Classifications:

Person/CN - High

Site/RN - High

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: June 29, 2022 through June 30, 2022

Date(s) of NOE(s): June 29, 2022

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Docket No. 2022-1298-PWS-E

Violation Information

1. 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. Specifically, the filter-to-waste line was approximately twelve to fourteen inches in diameter requiring an air gap of six to seven inches, however there was only two to four inches of air gap [30 TEX. ADMIN. CODE § 290.42(d)(2)(E)].
2. Failed to provide a raw water pump capacity of 0.6 gallons per minute (“gpm”) per connection with the largest pump out of service. Specifically, the Facility had 171 connections at the Forest Hills pressure plane, 1,341 connections at the Estates 4&5 pressure plane, 371 connections at the Indian Hills Estates pressure plane, and a purchase water contract to serve 75 connections at the Pinwah Pines WS pressure plane totaling 1,958 connections and was required to provide 1,175 gpm of raw water pump capacity with the largest pump out of service. However, the Facility provided 700 gpm with the largest pump out of service, indicating a 40% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically, the Facility had 171 connections at the Forest Hills pressure plane, 1,341 connections at the Estates 4&5 pressure plane, 371 connections at the Indian Hills Estates pressure plane, and a purchase water contract to serve 75 connections at the Pinwah Pines WS pressure plane totaling 1,958 connections and was required to provide 1,175 gpm of transfer pump capacity with the largest pump out of service. However, the Facility provided 700 gpm with the largest pump out of service, indicating a 40% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(2)(C) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
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, Pressure Tank No. 1 at the Indian Hills Estates Plant was not being maintained [30 TEX. ADMIN. CODE § 290.46(m)].
5. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the generator at the Natasha Heights Plant was not being maintained, the drain overflow flap on the 137,000-gallon standpipe was broken, and vegetation was growing on the fences surrounding the Pine Shadows Plant, Natasha Heights Well No. 6, the Raw Water Intake Plant, Weavers Cove Plant, Indian Hills Estates Plant, and the 137,000-gallon standpipe [30 TEX. ADMIN. CODE § 290.46(m)].
6. Failed to provide a suitable sampling cock on the discharge pipe of Well No. 4 prior to any treatment [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].
7. Failed to provide separate containment structures for chemicals that are incompatible. Specifically, the aluminum chlorohydrate ("ACH") and liquid ammonium

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sulfate ("LAS") were stored in the same secondary containment structure. Additionally, alum, caustic, and LAS were stored in the same secondary containment structure [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(IV)].

8. Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, the four ACH tote containers did not have secondary containment [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)].

9. Failed to calibrate the Facility's well meter at least once every three years. Specifically, the well meter for Well No. 3 had not been calibrated since 2016 [30 TEX. ADMIN. CODE § 290.46(s)(1)].

10. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the amount of each chemical used each day at the Natasha Heights Plant and Weavers Cove Plant were not available for review [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(i)(II)].

11. Failed to provide the minimum service pump capacity. Specifically, in a letter date July 14, 2021, the Natasha Heights Pressure Plane was granted an alternative capacity requirement of 1.94 gpm per connection. The pressure plane had 218 connections requiring a service pump capacity of 423 gpm. However, only 400 gpm were provided, indicating a 5% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

12. Failed to provide the Facility's pressure tanks with a pressure release device and an easily readable pressure gauge. Specifically, Pressure Tank No. 1 at the Natasha Heights Plant did not have a pressure release device [30 TEX. ADMIN. CODE § 290.43(d)(2)].

13. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, Service Pump No. 1 at the Indian Hills Plant was leaking [30 TEX. ADMIN. CODE § 290.46(m)(4)].

14. Failed to provide an intruder-resistant fence or well house around each water treatment plant, well unit, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the Facility is unattended. Specifically, the barbed wire surrounding the Natasha Heights Plant and the Pine Shadows Plant was loose. Additionally, the fence and the barbed wire surrounding the Indian Hills Estates was loose [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e)].

15. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the well meters for Well Nos. 2, 3, and 4 at the Pine Shadows Plant were not being maintained and were no longer working [30 TEX. ADMIN. CODE § 290.46(m)].

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16. Failed to calibrate the Facility's benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested. Specifically, the primary standards expired in February 2022 [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii)].

17. 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. Specifically, the buoys marking the restricted zone had floated off [30 TEX. ADMIN. CODE § 290.41(e)(2)(C)].

18. Failed to provide a minimum pressure tank capacity. Specifically, in a letter dated July 14, 2021, the Indian Hills Estates Pressure Plane was granted an alternative capacity requirement of 12.2 gallons per connection. The pressure plane had 371 connections requiring a pressure tank capacity of 4,526 gallons. However, only 4,000 gallons were provided, indicating a 12% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

19. Failed to verify the accuracy of the Facility's continuous disinfectant residual analyzers at least once every seven days with a chlorine solution of known concentration or by comparing the results to an approved benchtop method and ensure the result is within 15% of the expected value. Specifically, the benchtop readings were 3.53 to 4.35, indicating a result which is not within 15% of the expected value [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii) and (s)(2)(C)(iii)].

20. Failed to provide the minimum well capacity of 0.6 gpm per connection. Specifically, the Natasha Heights Pressure Plane had 218 connections requiring a well capacity of 131 gpm. However, only 62 gpm were provided, indicating a 53% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By July 1, 2022, provided a minimum service pump capacity of at least 1.94 gpm per connection;
- b. By July 18, 2022, repaired Pressure Tank No. 1 at the Indian Hills Estates Plant;
- c. By August 8, 2022:
 - i. Provided Pressure Tank No. 1 at the Natasha Heights Plant with a pressure release device;
 - ii. Provided a pressure tank capacity of at least 12.2 gallons per connection;

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- iii. Repaired Service Pump No. 1 at the Indian Hills Plant that was leaking;
- iv. Repaired the fence surrounding the Indian Hills Estates Plant, the Natasha Heights Plant, and the Pine Shadows Plant;
- v. Provided a suitable sampling cock on the discharge pipe of the Facility's Well No. 4;
- vi. Calibrated the well meters for Well No. 3;
- vii. Replaced the well meters for Well No. 2, Well No. 3, and Well No. 4;
- viii. Replaced the expired primary standards for the benchtop turbidimeter;
- ix. Replaced the buoys to create a 200-foot restriction zone;
- d. By October 5, 2022, maintained water system operation and maintenance records for the amount of each chemical used each day;
- e. By November 17, 2022, provided separate containment structures for chemicals that are incompatible;
- f. By March 11, 2023:
 - i. Provided a raw water pump capacity of at least 0.6 gpm per connection with the largest pump out of service;
 - ii. Provided a transfer pump capacity of at least 0.6 gpm per connection with the largest pump out of service;
 - iii. Repaired the generator at the Natasha Heights Plant and the drain overflow flap on the 137,000-gallon standpipe, and removed the vegetation on the fences surrounding the Pine Shadows Plant, Natasha Heights Well No. 6, the Raw Water Intake Plant, Weavers Cove Plant, Indian Hills Estates Plant, and the 137,000-gallon standpipe; and
- g. By April 11, 2023, obtained an exception for the air gap for the filter-to-waste connection.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, verify the accuracy of the Facility's continuous disinfectant analyzer with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the result of an approved benchtop method and ensure the result is within 15% of the expected value;

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- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 90 days, provide adequate containment facilities for the four containers of ACH.
- d. Within 105 days, submit written certification to demonstrate compliance with c.
- e. Within 180 days, provide a well capacity of at least 0.6 gpm per connection, including but not limited to the Natasha Heights Pressure Plane.
- f. Within 195 days, submit written certification to demonstrate compliance with e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mason DeMasi, Enforcement Division, Enforcement Team 5, MC R-13, (210) 657-8425; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Kim Click, General Manager, Lake Livingston Water Supply Corporation, P.O. Box 1149, Livingston, Texas 77351

John N. Sexton, 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 | 6-Sep-2022 | Screening | 15-Sep-2022 | EPA Due | |
| | PCW | 4-Dec-2024 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | | | |
|-----------------------------|--|---------------------------|-------|--|--|
| Respondent | Lake Livingston Water Supply Corporation | | | | |
| Reg. Ent. Ref. No. | RN105711931 | | | | |
| Facility/Site Region | 10-Beaumont | Major/Minor Source | Major | | |

CASE INFORMATION

| | | | |
|--|---------------------|------------------------------|--------------------|
| Enf./Case ID No. | 63080 | No. of Violations | 20 |
| Docket No. | 2022-1298-PWS-E | Order Type | 1660 |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Mason DeMasi |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$5,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$20,350 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|-------|-------------------|--------------------------------|---------|
| Compliance History | 14.0% | Adjustment | Subtotals 2, 3, & 7 | \$2,849 |
|---------------------------|-------|-------------------|--------------------------------|---------|

Notes: Enhancement for two NOV's with dissimilar violations and one agreed order containing a denial of liability. Reduction for High Performer Classification.

| | | | | | |
|--------------------|----|------|--------------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------|--------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|----------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | -\$2,705 |
|--|-------------------|----------|

| | | | | |
|-------------------------|------|---------------------|-------------------|-----|
| Economic Benefit | 0.0% | Enhancement* | Subtotal 6 | \$0 |
|-------------------------|------|---------------------|-------------------|-----|

Total EB Amounts \$4,981
Estimated Cost of Compliance \$36,346
*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$20,494 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$20,494 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$20,494 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|------------------|-------------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$4,098 |
|-----------------|-------|------------------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$16,396 |
|------------------------|----------|

| | | | | |
|--------------------------------|--|-------------------|-----------------|--------------------------------------|
| Screening Date | 15-Sep-2022 | Docket No. | 2022-1298-PWS-E | PCW |
| Respondent | Lake Livingston Water Supply Corporation | | | Policy Revision 5 (January 28, 2021) |
| Case ID No. | 63080 | | | PCW Revision February 11, 2021 |
| Reg. Ent. Reference No. | RN105711931 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Mason DeMasi | | | |

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 | 2 | 4% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 24%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with dissimilar violations and one agreed order containing a denial of liability. Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 14%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 14%

| | | | | | |
|---|---|--|--------------------------------------|--------------------------|----------------------|
| Screening Date | 15-Sep-2022 | Docket No. | 2022-1298-PWS-E | PCW | |
| Respondent | Lake Livingston Water Supply Corporation | Policy Revision 5 (January 28, 2021) | | | |
| Case ID No. | 63080 | PCW Revision February 11, 2021 | | | |
| Reg. Ent. Reference No. | RN105711931 | | | | |
| Media | Public Water Supply | | | | |
| Enf. Coordinator | Mason DeMasi | | | | |
| Violation Number | 1 | | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.42(d)(2)(E) | | | | |
| Violation 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. Specifically, the filter-to-waste line was approximately twelve to fourteen inches in diameter requiring an air gap of six to seven inches, however there was only two to four inches of air gap. | | | | |
| | | Base Penalty | \$5,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | | |
| OR | Release | Harm | | | |
| | | Major Moderate Minor | | | |
| | Actual | | | | Percent 15.0% |
| Potential | | x | | | |
| >> Programmatic Matrix | | | | | |
| Matrix Notes | Falsification | Major | Moderate | Minor | Percent 0.0% |
| | | | | | |
| | Failure to provide the filter-to-waste connection with an adequate air gap 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 | 78 | Number of violation days | |
| | daily | | Violation Base Penalty \$750 | | |
| | weekly | | | | |
| | monthly | | | | |
| | quarterly | x | | | |
| | semiannual | | | | |
| | annual | | | | |
| | single event | | | | |
| One quarterly event is recommended, calculated from the date of the investigation, June 29, 2022, to the date of screening, September 15, 2022. | | | | | |
| Good Faith Efforts to Comply | | 10.0% | Reduction \$75 | | |
| | | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | | | |
| | Extraordinary | | | | |
| | Ordinary | | x | | |
| | N/A | | | | |
| | Notes | The Respondent returned to compliance on April 11, 2023. | | | |
| | | Violation Subtotal | \$675 | | |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test | | |
| Estimated EB Amount | | \$127 | Violation Final Penalty Total | | \$780 |
| | | This violation Final Assessed Penalty (adjusted for limits) | | \$780 | |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|-----|-------|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$500 | 20-Aug-2019 | 11-Apr-2023 | 3.64 | \$6 | \$121 | \$127 |
| 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 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, calculated from the date of the investigation initially documenting the violation 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

\$500

TOTAL

\$127

| | | |
|---|--|--|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E <div style="border: 1px solid black; padding: 5px;"> 30 Tex. Admin. Code § 290.45(b)(2)(A) and Tex. Health & Safety Code § 341.0315(c) </div> | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|--|--|

| | | | |
|------------------------------|---|--|---------|
| Violation Number | 2 | | |
| Rule Cite(s) | | | |
| Violation 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. Specifically, the Facility had 171 connections at the Forest Hills pressure plane, 1,341 connections at the Estates 4&5 pressure plane, 371 connections at the Indian Hills Estates pressure plane, and a purchase water contract to serve 75 connections at the Pinwah Pines WS pressure plane totaling 1,958 connections and was required to provide 1,175 gpm of raw water pump capacity with the largest pump out of service. However, the Facility provided 700 gpm with the largest pump out of service, indicating a 40% deficiency. | | |
| Base Penalty | | | \$5,000 |

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|---------------------|--|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | |
| | | | | | Percent 0.0% |
| | | | | | |
| Matrix Notes | Failure to provide adequate raw water pump capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health. | | | | |
| Adjustment | | | | | \$4,250 |

| | |
|--|-------|
| | \$750 |
|--|-------|

Violation Events

| | | | | |
|---|---|---|----|--------------------------|
| Number of Violation Events | 1 | | 78 | 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 date of the investigation, June 29, 2022, to the date of screening, September 15, 2022. | | | | |

Good Faith Efforts to Comply

| | | | | | |
|---------------------------|--|-----------------------------------|--|------------------|-------|
| | 10.0% | | | Reduction | \$75 |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | | | |
| Extraordinary | | | | | |
| Ordinary | | x | | | |
| N/A | | | | | |
| Notes | The Respondent returned to compliance by March 11, 2023. | | | | |
| Violation Subtotal | | | | | \$675 |

Economic Benefit (EB) for this violation

| | |
|--|-----------------------------|
| | Statutory Limit Test |
| Estimated EB Amount | \$1,245 |
| Violation Final Penalty Total | \$780 |
| This violation Final Assessed Penalty (adjusted for limits) | |
| \$780 | |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|------|---------|---------|
| Equipment | \$5,000 | 20-Aug-2019 | 11-Mar-2023 | 3.56 | \$59 | \$1,186 | \$1,245 |
| 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 provide a raw water pump capacity of at least 0.6 gpm per connection with the largest pump out of service, calculated from the date of the investigation initially documenting the violation 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

\$5,000

TOTAL

\$1,245

| | |
|---|---|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|---|

| | | | |
|------------------------------|---|---|--|
| Violation Number | 3 | Rule Cite(s) | |
| | | 30 Tex. Admin. Code § 290.45(b)(2)(C) and Tex. Health & Safety Code § 341.0315(c) | |
| Violation Description | Failed to provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically, the Facility had 171 connections at the Forest Hills pressure plane, 1,341 connections at the Estates 4&5 pressure plane, 371 connections at the Indian Hills Estates pressure plane, and a purchase water contract to serve 75 connections at the Pinwah Pines WS pressure plane totaling 1,958 connections and was required to provide 1,175 gpm of transfer pump capacity with the largest pump out of service. However, the Facility provided 700 gpm with the largest pump out of service, indicating a 40% deficiency. | | |

| | |
|---------------------|---------|
| Base Penalty | \$5,000 |
|---------------------|---------|

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------|----------------------|----------------------|----------------------|----------------|
| OR | Release | Harm | | | Percent |
| | | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| | Potential | <input type="text"/> | x | <input type="text"/> | |

>> Programmatic Matrix

| | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|----------------|
| | Falsification | Major | Moderate | Minor | Percent |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |

| | |
|---------------------|---|
| Matrix Notes | Failure to provide adequate transfer pump capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health. |
|---------------------|---|

| | |
|-------------------|---------|
| Adjustment | \$4,250 |
|-------------------|---------|

| | |
|--|-------|
| | \$750 |
|--|-------|

Violation Events

| | | | |
|----------------------------|---|----|--------------------------|
| Number of Violation Events | 1 | 78 | Number of violation days |
|----------------------------|---|----|--------------------------|

| | | | |
|--|--------------|----------------------|-------------------------------|
| | daily | <input type="text"/> | Violation Base Penalty |
| | weekly | <input type="text"/> | |
| | monthly | <input type="text"/> | |
| | quarterly | x | |
| | semiannual | <input type="text"/> | |
| | annual | <input type="text"/> | |
| | single event | <input type="text"/> | |

| |
|---|
| One quarterly event is recommended, calculated from the date of the investigation, June 29, 2022, to the date of screening, September 15, 2022. |
|---|

Good Faith Efforts to Comply

| | | |
|---------------|--|-----------------------------------|
| | 10.0% | |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | x |
| N/A | <input type="text"/> | <input type="text"/> |
| Notes | The Respondent returned to compliance by March 11, 2023. | |

| | |
|---------------------------|-------|
| Violation Subtotal | \$675 |
|---------------------------|-------|

Economic Benefit (EB) for this violation
Statutory Limit Test

| | | | |
|--|---------|--------------------------------------|-------|
| Estimated EB Amount | \$1,245 | Violation Final Penalty Total | \$780 |
| This violation Final Assessed Penalty (adjusted for limits) | | | \$780 |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|------|---------|---------|
| Equipment | \$5,000 | 20-Aug-2019 | 11-Mar-2023 | 3.56 | \$59 | \$1,186 | \$1,245 |
| 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 provide a transfer pump capacity of at least 0.6 gpm per connection with the largest pump out of service, calculated from the date of the investigation initially documenting the violation 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

\$5,000

TOTAL

\$1,245

| | |
|---|---|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|---|

| | | |
|------------------------------|---|---------------------------------|
| 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, Pressure Tank No. 1 at the Indian Hills Estates Plant was not being maintained. | |

| | |
|---------------------|---------|
| Base Penalty | \$5,000 |
|---------------------|---------|

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|---------------------|----------------------|-------------|----------|-------|---------------------|
| Matrix Notes | | Harm | | | |
| | Falsification | Major | Moderate | Minor | |
| | | | | | |
| | | | | | Percent 0.0% |

| | | |
|--|-------------------|---------|
| | Adjustment | \$4,250 |
|--|-------------------|---------|

| | | |
|--|-------------------|-------|
| | Adjustment | \$750 |
|--|-------------------|-------|

Violation Events

| | | | |
|----------------------------|---|----|--------------------------|
| Number of Violation Events | 1 | 78 | 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 date of the investigation, June 29, 2022, to the date of compliance, July 18, 2022. | |
|---|--|

Good Faith Efforts to Comply

| | | |
|---------------|---|-----------------------------------|
| | 25.0% | |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | x | |
| N/A | | |
| Notes | The Respondent returned to compliance by July 18, 2022. | |

| | |
|---------------------------|-------|
| Violation Subtotal | \$563 |
|---------------------------|-------|

Economic Benefit (EB) for this violation

| | |
|--|-----------------------------|
| | Statutory Limit Test |
| Estimated EB Amount | \$9 |
| Violation Final Penalty Total | \$668 |
| This violation Final Assessed Penalty (adjusted for limits) | |
| \$668 | |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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) | \$2,500 | 29-Jun-2022 | 18-Jul-2022 | 0.05 | \$0 | \$9 | \$9 |
| 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 Pressure Tank No. 1 at the Indian Hills Estates Plant, 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

\$2,500

TOTAL

\$9

| | |
|---|---|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|---|

| | | | |
|------------------------------|---|---------------------------------|--|
| Violation Number | 5 | 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, the generator at the Natasha Heights Plant was not being maintained, the drain overflow flap on the 137,000-gallon standpipe was broken, and vegetation was growing on the fences surrounding the Pine Shadows Plant, Natasha Heights Well No. 6, the Raw Water Intake Plant, Weavers Cove Plant, Indian Hills Estates Plant, and the 137,000-gallon standpipe. | | |
| Base Penalty | | \$5,000 | |

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|--|----------------------|-------------|----------|-------|---------------------|
| Matrix Notes | | Harm | | | |
| | Falsification | Major | Moderate | Minor | |
| | | | | | |
| | | | | | |
| | | | | | Percent 0.0% |
| Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to insignificant amounts of contaminants which would not exceed levels protective of human health. | | | | | |
| Adjustment | | | | | \$4,650 |

\$350

Violation Events

| | | | |
|---|---|---------|--------------------------|
| Number of Violation Events | 8 | 78 | Number of violation days |
| | | | |
| daily | | | |
| weekly | | | |
| monthly | | | |
| quarterly | | | |
| semiannual | | | |
| annual | | | |
| single event | x | | |
| Eight single events are recommended (one for each facility and/or equipment). | | | |
| Violation Base Penalty | | \$2,800 | |

Good Faith Efforts to Comply

| | | |
|---------------------------|--|-----------------------------------|
| | 10.0% | |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | | x |
| N/A | | |
| Notes | The Respondent returned to compliance by March 11, 2023. | |
| Violation Subtotal | | \$2,520 |

Economic Benefit (EB) for this violation

| | |
|--|-----------------------------|
| | Statutory Limit Test |
| Estimated EB Amount | \$122 |
| Violation Final Penalty Total | \$2,912 |
| This violation Final Assessed Penalty (adjusted for limits) | |
| \$2,912 | |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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) | \$2,500 | 29-Jun-2022 | 11-Mar-2023 | 0.70 | \$6 | \$116 | \$122 |
| 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 generator at the Natasha Heights Plant, the drain overflow flap on the 137,000-gallon standpipe, and to remove the vegetation on the fences surrounding the Pine Shadows Plant, Natasha Heights Well No. 6, the Raw Water Intake Plant, Weavers Cove Plant, Indian Hills Estates Plant, and the 137,000-gallon standpipe, 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

\$2,500

TOTAL

\$122

| | | |
|---|--|--|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(M) Violation Description Failed to provide a suitable sampling cock on the discharge pipe of Well No. 4 prior to any treatment. | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|--|--|

| | |
|---------------------|---------|
| Base Penalty | \$5,000 |
|---------------------|---------|

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | |
| | | | | | Percent 0.0% |

| | |
|--------------|---|
| Matrix Notes | Failure to provide a sampling cock on the well discharge line may allow entry of undetected contaminated raw water that could expose persons served by the Facility to insignificant amounts of contaminants that would not exceed levels protective of human health. |
|--------------|---|

| | |
|-------------------|---------|
| Adjustment | \$4,650 |
|-------------------|---------|

| | |
|--|-------|
| | \$350 |
|--|-------|

Violation Events

| | | | |
|----------------------------|---|----|--------------------------|
| Number of Violation Events | 1 | 78 | Number of violation days |
|----------------------------|---|----|--------------------------|

| | | | | | |
|--|--------------|---|--|--|-------------------------------------|
| | daily | | | | |
| | weekly | | | | |
| | monthly | | | | |
| | quarterly | | | | |
| | semiannual | | | | |
| | annual | | | | |
| | single event | x | | | Violation Base Penalty \$350 |

| | |
|----------------------------------|--|
| One single event is recommended. | |
|----------------------------------|--|

Good Faith Efforts to Comply

| | | |
|---------------|--|-----------------------------------|
| | 25.0% | |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | x | |
| N/A | | |
| Notes | The Respondent returned to compliance by August 8, 2022. | |

| | |
|---------------------------|-------|
| Violation Subtotal | \$263 |
|---------------------------|-------|

Economic Benefit (EB) for this violation

| | |
|--|-----------------------------|
| | Statutory Limit Test |
| Estimated EB Amount | \$0 |
| Violation Final Penalty Total | \$312 |
| This violation Final Assessed Penalty (adjusted for limits) \$312 | |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|------|-------------|------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$50 | 29-Jun-2022 | 8-Aug-2022 | 0.11 | \$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 provide a suitable sampling cock on the discharge pipe of the Facility's Well No. 4 prior to any treatment, 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

\$50

TOTAL

\$0

| | | | | | | | | | | | | | | | | |
|---|--|---|---------------------------|--------|---|---------------------|---|-----------|----------------------|------------|--|--------|--|--------------|--|-------------------------------------|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> | | | | | | | | | | | | | | | |
| Violation Number 7 | Rule Cite(s) 30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)(IV) | | | | | | | | | | | | | | | |
| Violation Description | Failed to provide separate containment structures for chemicals that are incompatible. Specifically, the aluminum chlorohydrate ("ACH") and liquid ammonium sulfate ("LAS") were stored in the same secondary containment structure. Additionally, alum, caustic, and LAS were stored in the same secondary containment structure. | | | | | | | | | | | | | | | |
| Base Penalty | | \$5,000 | | | | | | | | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | | | | | | | | |
| OR | Release Actual Potential | Harm Major Moderate Minor <table border="1" style="margin: auto;"> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table> | | | | | x | | Percent 15.0% | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | x | | | | | | | | | | | | | | |
| Failure to provide separate containment structures for chemicals that are incompatible could expose employees or the environment to a significant amount of contaminants which would not exceed levels that are protective of human health. | | Percent 0.0% | | | | | | | | | | | | | | |
| >> Programmatic Matrix | | | | | | | | | | | | | | | | |
| Matrix Notes | Falsification Major Moderate Minor <table border="1" style="margin: auto;"> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table> | | | | | Percent 0.0% | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | Failure to provide separate containment structures for chemicals that are incompatible could expose employees or the environment to a significant amount of contaminants which would not exceed levels that are protective of human health. | | Adjustment \$4,250 | | | | | | | | | | | | | |
| | | \$750 | | | | | | | | | | | | | | |
| Violation Events | | | | | | | | | | | | | | | | |
| Number of Violation Events 1 | | 78 Number of violation days | | | | | | | | | | | | | | |
| | <table border="1" style="display: inline-table;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table> | daily | | weekly | | monthly | | quarterly | x | semiannual | | annual | | single event | | Violation Base Penalty \$750 |
| daily | | | | | | | | | | | | | | | | |
| weekly | | | | | | | | | | | | | | | | |
| monthly | | | | | | | | | | | | | | | | |
| quarterly | x | | | | | | | | | | | | | | | |
| semiannual | | | | | | | | | | | | | | | | |
| annual | | | | | | | | | | | | | | | | |
| single event | | | | | | | | | | | | | | | | |
| One quarterly event is recommended, calculated from the date of the investigation, June 29, 2022, to the date of screening, September 15, 2022. | | | | | | | | | | | | | | | | |
| Good Faith Efforts to Comply | | 10.0% Reduction \$75 | | | | | | | | | | | | | | |
| Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary <table border="1" style="display: inline-table;"><tr><td></td><td></td></tr></table> Ordinary <table border="1" style="display: inline-table;"><tr><td></td><td style="text-align: center;">x</td></tr></table> N/A <table border="1" style="display: inline-table;"><tr><td></td><td></td></tr></table> | | | | | x | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | x | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| Notes The Respondent returned to compliance by November 17, 2022. | | | | | | | | | | | | | | | | |
| Violation Subtotal | | \$675 | | | | | | | | | | | | | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | | | | | | | | | | | | | |
| Estimated EB Amount | \$27 | Violation Final Penalty Total \$780 | | | | | | | | | | | | | | |
| This violation Final Assessed Penalty (adjusted for limits) | | \$780 | | | | | | | | | | | | | | |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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) | \$1,000 | 29-Jun-2022 | 17-Nov-2022 | 0.39 | \$1 | \$26 | \$27 |
| 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 separate containment structures for chemicals that are incompatible, 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

\$27

| | | |
|---|---|--|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E Violation Number 8 Rule Cite(s) 30 Tex. Admin. Code § 290.42(f)(1)(E)(ii) Violation Description Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, the four ACH tote containers did not have secondary containment. | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|---|--|

| | |
|---------------------|---------|
| Base Penalty | \$5,000 |
|---------------------|---------|

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | |
| | | | | | Percent 0.0% |

| | |
|--------------|--|
| Matrix Notes | Failure to provide adequate containment for the ACH containers could expose employees or the environment to a significant amount of contaminants which would not exceed levels that are protective of environmental receptors. |
|--------------|--|

| | |
|-------------------|---------|
| Adjustment | \$4,250 |
|-------------------|---------|

| | |
|--|-------|
| | \$750 |
|--|-------|

Violation Events

| | | | |
|----------------------------|---|----|--------------------------|
| Number of Violation Events | 1 | 78 | 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 date of the investigation, June 29, 2022, to the date of screening, September 15, 2022.

Good Faith Efforts to Comply

| | | |
|---------------|----------------|-----------------------------------|
| | 0.0% | |
| | 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

| | |
|----------------------------|-------|
| | |
| Estimated EB Amount | \$189 |

Statutory Limit Test

| | |
|--|-------|
| | |
| Violation Final Penalty Total | \$855 |
| This violation Final Assessed Penalty (adjusted for limits) | \$855 |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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) | \$1,000 | 29-Jun-2022 | 8-Mar-2025 | 2.69 | \$9 | \$180 | \$189 |
| 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 adequate containment facilities for the ACH, 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

\$189

| | | |
|---|---|--|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E Violation Number 9 Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1) Violation Description Failed to calibrate the Facility's well meter at least once every three years. Specifically, the well meter for Well No. 3 had not been calibrated since 2016. | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|---|--|

| | |
|--|-----------------------------|
| | Base Penalty \$5,000 |
|--|-----------------------------|

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | |
| | | | | | Percent 0.0% |

| | |
|--------------|---|
| Matrix Notes | Failure to calibrate the Facility's well meters could result in inaccurate or unavailable water usage and production data, resulting in persons served by the Facility being exposed to an insignificant amount of contaminants which would not exceed levels protective of human health. |
|--------------|---|

| | |
|--|---------------------------|
| | Adjustment \$4,650 |
|--|---------------------------|

| | |
|--|---------------------------------|
| | Violation Subtotal \$350 |
|--|---------------------------------|

Violation Events

| | | |
|------------------------------|----|--------------------------|
| Number of Violation Events 1 | 78 | Number of violation days |
|------------------------------|----|--------------------------|

| | | | |
|--|--------------|---|-------------------------------------|
| | daily | | Violation Base Penalty \$350 |
| | weekly | | |
| | monthly | | |
| | quarterly | | |
| | semiannual | | |
| | annual | | |
| | single event | x | |

| |
|----------------------------------|
| One single event is recommended. |
|----------------------------------|

Good Faith Efforts to Comply

| | | |
|---------------|--|-----------------------------------|
| | 25.0% | |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | x | |
| N/A | | |
| Notes | The Respondent returned to compliance by August 8, 2022. | |

| | |
|--|-----------------------|
| | Reduction \$87 |
|--|-----------------------|

| | |
|--|---------------------------------|
| | Violation Subtotal \$263 |
|--|---------------------------------|

Economic Benefit (EB) for this violation

Statutory Limit Test

| | |
|--------------------------------|--|
| Estimated EB Amount \$0 | Violation Final Penalty Total \$312 |
|--------------------------------|--|

| | |
|--|-------|
| This violation Final Assessed Penalty (adjusted for limits) | \$312 |
|--|-------|

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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) | \$31 | 29-Jun-2022 | 8-Aug-2022 | 0.11 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate the Facility's well meter (\$31 per well meter x one meter), 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

\$31

TOTAL

\$0

| | | |
|--|---|---|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> | |
| Violation Number 10 | | |
| Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(A)(i)(II) | | |
| 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, the records of the amount of each chemical used each day at the Natasha Heights Plant and Weavers Cove Plant were not available for review. | | |
| Base Penalty | | \$5,000 |
| >> Environmental, Property and Human Health Matrix | | |
| OR | Release Actual Potential | Harm Major Moderate Minor |
| | | |
| | | |
| | | Percent 0.0% |
| >> Programmatic Matrix | | |
| | Falsification Major Moderate Minor | |
| | | x |
| | | Percent 1.0% |
| Matrix Notes | Less than 30% of the rule requirements were not met. | |
| Adjustment | | \$4,950 |
| | | \$50 |
| Violation Events | | |
| Number of Violation Events 1 | | 78 Number of violation days |
| | daily weekly monthly quarterly semiannual annual single event | |
| | | Violation Base Penalty \$50 |
| One single event is recommended. | | |
| Good Faith Efforts to Comply | | 10.0% |
| | | Reduction \$5 |
| | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | |
| Extraordinary | | |
| Ordinary | | x |
| N/A | | |
| Notes | The Respondent returned to compliance by October 5, 2022. | |
| Violation Subtotal | | \$45 |
| Economic Benefit (EB) for this violation | | |
| Statutory Limit Test | | |
| Estimated EB Amount | \$1 | Violation Final Penalty Total \$52 |
| This violation Final Assessed Penalty (adjusted for limits) | | \$52 |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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-Jun-2022 | 5-Oct-2022 | 0.27 | \$1 | n/a | \$1 |
| 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 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

\$1

| | | |
|---|--|--------------------------------------|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 | PCW |
| Violation Number 11 | | |
| Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c) | | |
| Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to provide the minimum service pump capacity. Specifically, in a letter date July 14, 2021, the Natasha Heights Pressure Plane was granted an alternative capacity requirement of 1.94 gpm per connection. The pressure plane had 218 connections requiring a service pump capacity of 423 gpm. However, only 400 gpm were provided, indicating a 5% deficiency. </div> | | |
| Base Penalty | | \$5,000 |
| >> Environmental, Property and Human Health Matrix | | |
| OR | Release | Harm |
| | | Major Moderate Minor |
| | Actual | |
| Potential | | x |
| Percent | | 7.0% |
| >> Programmatic Matrix | | |
| | Falsification Major Moderate Minor | |
| | | |
| | | |
| | | |
| Percent | 0.0% | |
| Matrix Notes | Failure to provide adequate service pump capacity could result in water outages and low pressure problems and 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 | 1 | Number of violation days |
| | 78 | |
| | daily | |
| | weekly | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |
| Violation Base Penalty | | \$350 |
| One single event is recommended. | | |
| Good Faith Efforts to Comply | | |
| 25.0% | | Reduction |
| | | \$87 |
| | Before NOE/NOV NOE/NOV to EDRP/Settlement Offer | |
| Extraordinary | | |
| Ordinary | x | |
| N/A | | |
| Notes | The Respondent returned to compliance by July 1, 2022. | |
| Violation Subtotal | | \$263 |
| Economic Benefit (EB) for this violation | | |
| Statutory Limit Test | | |
| Estimated EB Amount | \$2 | Violation Final Penalty Total |
| | | \$312 |
| This violation Final Assessed Penalty (adjusted for limits) | | \$312 |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | \$5,000 | 29-Jun-2022 | 1-Jul-2022 | 0.01 | \$0 | \$2 | \$2 |
| 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 service pump capacity of at least 1.94 gpm per connection, 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

\$5,000

TOTAL

\$2

| | | |
|---|---|--|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E Violation Number 12 Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(2) | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|---|--|

| | |
|------------------------------|--|
| Violation Description | Failed to provide the Facility's pressure tanks with a pressure release device and an easily readable pressure gauge. Specifically, Pressure Tank No. 1 at the Natasha Heights Plant did not have a pressure release device. |
|------------------------------|--|

| | |
|---------------------|---------|
| Base Penalty | \$5,000 |
|---------------------|---------|

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | |
| | | | | | Percent 0.0% |

| | |
|--------------|--|
| Matrix Notes | Failure to provide a pressure release device on the pressure tank and a pressure gauge could result in excess pressurization and 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 | Number of violation days | 40 |
|----------------------------|---|--------------------------|----|

| | | |
|--|--------------|---|
| | daily | |
| | weekly | |
| | monthly | x |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | |

| | |
|-------------------------------|---------|
| Violation Base Penalty | \$3,000 |
|-------------------------------|---------|

| |
|--|
| Two monthly events are recommended, calculated from the date of the investigation, June 29, 2022, to the date of compliance, August 8, 2022. |
|--|

Good Faith Efforts to Comply

| | | | | |
|---------------|----------------|-----------------------------------|------------------|-------|
| | 25.0% | | Reduction | \$750 |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | | |
| Extraordinary | | | | |
| Ordinary | x | | | |
| N/A | | | | |

| | |
|-------|--|
| Notes | The Respondent returned to compliance by August 8, 2022. |
|-------|--|

| | |
|---------------------------|---------|
| Violation Subtotal | \$2,250 |
|---------------------------|---------|

Economic Benefit (EB) for this violation

Statutory Limit Test

| | | | |
|--|-----|--------------------------------------|---------|
| Estimated EB Amount | \$1 | Violation Final Penalty Total | \$2,670 |
| This violation Final Assessed Penalty (adjusted for limits) | | | \$2,670 |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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 | \$200 | 29-Jun-2022 | 8-Aug-2022 | 0.11 | \$0 | \$1 | \$1 |
| 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 provide each pressure tank with a pressure release device and an easily readable pressure gauge (\$200 per tank x one pressure tank), 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

\$200

TOTAL

\$1

| | | | | |
|--------------------------------|---|--|-----------------|------------|
| Screening Date | 15-Sep-2022 | Docket No. | 2022-1298-PWS-E | PCW |
| Respondent | Lake Livingston Water Supply Corporation | Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 | | |
| Case ID No. | 63080 | | | |
| Reg. Ent. Reference No. | RN105711931 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Mason DeMasi | | | |
| Violation Number | 13 | | | |
| 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 and free of excessive solids. Specifically, Service Pump No. 1 at the Indian Hills Plant was leaking. | | | |
| | | Base Penalty | \$5,000 | |

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | | |
|---------------------|--|---------------|-------|----------|-------------------|---------------------|
| Matrix Notes | | Falsification | Major | Moderate | Minor | |
| | | | | | | |
| | | | | | | Percent 0.0% |
| | Failure to maintain the service pump 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 | 40 | 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 date of the investigation, June 29, 2022, to the date of compliance, August 8, 2022. | | | |

Good Faith Efforts to Comply

| | | | |
|---------------|--|-----------------------------------|------------------|
| | 25.0% | | |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | |
| Extraordinary | | | |
| Ordinary | x | | |
| N/A | | | |
| Notes | The Respondent returned to compliance by August 8, 2022. | | |
| | | | Reduction |
| | | | \$187 |

\$563

Economic Benefit (EB) for this violation

| | |
|--|--------------------------------------|
| | Statutory Limit Test |
| Estimated EB Amount | \$4 |
| | Violation Final Penalty Total |
| | \$668 |
| This violation Final Assessed Penalty (adjusted for limits) | |
| \$668 | |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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) | \$500 | 29-Jun-2022 | 8-Aug-2022 | 0.11 | \$0 | \$4 | \$4 |
| 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 leaks at the facilities (\$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

\$500

TOTAL

\$4

| | | | | |
|--------------------------------|--|--|-----------------|------------|
| Screening Date | 15-Sep-2022 | Docket No. | 2022-1298-PWS-E | PCW |
| Respondent | Lake Livingston Water Supply Corporation | Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 | | |
| Case ID No. | 63080 | | | |
| Reg. Ent. Reference No. | RN105711931 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Mason DeMasi | | | |
| Violation Number | 14 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e) | | | |
| Violation Description | Failed to provide an intruder-resistant fence or well house around each water treatment plant, well unit, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the Facility is unattended. Specifically, the barbed wire surrounding the Natasha Heights Plant and the Pine Shadows Plant was loose. Additionally, the fence and the barbed wire surrounding the Indian Hills Estates was loose. | | | |
| | | Base Penalty | \$5,000 | |

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|---------------------|----------------------|-------------|----------|-------|---------------------|
| Matrix Notes | | Harm | | | |
| | Falsification | Major | Moderate | Minor | |
| | | | | | |
| | | | | | Percent 0.0% |

Failure to protect the treatment plants with an intruder-resistant fence 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 | 1 | 40 | Number of violation days |
|----------------------------|---|----|--------------------------|

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

| | | | |
|--|----------------|-----------------------------------|--|
| | 25.0% | | |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | |

| | | |
|---------------|---|--|
| Extraordinary | | |
| Ordinary | x | |
| N/A | | |

Notes: The Respondent returned to compliance by August 8, 2022.

Violation Subtotal \$263

Economic Benefit (EB) for this violation

| | | |
|----------------------------|-----|-----------------------------|
| Estimated EB Amount | \$4 | Statutory Limit Test |
|----------------------------|-----|-----------------------------|

| | | |
|--|-------|--------------------------------------|
| | \$312 | Violation Final Penalty Total |
|--|-------|--------------------------------------|

This violation Final Assessed Penalty (adjusted for limits) \$312

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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) | \$500 | 29-Jun-2022 | 8-Aug-2022 | 0.11 | \$0 | \$4 | \$4 |
| 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 intruder-resistant fencing at the Indian Hills Estates, the Natasha Heights Plant, and the Pine Shadows Plant, 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

\$500

TOTAL

\$4

| | | | | | | | | | | | | | | | | |
|--|--|--|--------------|--|---|---------------------|-----------|---------------------|------------|-----|--------|--|--------------|---|-------------------------------------|--|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E Violation Number 15 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, the well meters for Well Nos. 2, 3, and 4 at the Pine Shadows Plant were not being maintained and were no longer working. | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> | | | | | | | | | | | | | | |
| Base Penalty | | \$5,000 | | | | | | | | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | | | | | | | | |
| OR | Release | Harm | | | | | | | | | | | | | | |
| | Major Moderate Minor | | | | | | | | | | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Actual</td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> <tr> <td>Potential</td> <td></td> <td style="text-align: center;">x</td> </tr> </table> | Actual | | | Potential | | x | Percent 7.0% | | | | | | | | |
| Actual | | | | | | | | | | | | | | | | |
| Potential | | x | | | | | | | | | | | | | | |
| >> Programmatic Matrix | | | | | | | | | | | | | | | | |
| Matrix Notes | Falsification Major Moderate Minor | | | | | | | | | | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table> | | | | | Percent 0.0% | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to insignificant amounts of contaminants which would not exceed levels protective of human health. | | | | | | | | | | | | | | | | |
| Adjustment | | \$4,650 | | | | | | | | | | | | | | |
| | | \$350 | | | | | | | | | | | | | | |
| Violation Events | | | | | | | | | | | | | | | | |
| Number of Violation Events 1 | | 40 Number of violation days | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table> | daily | | weekly | | monthly | | quarterly | | semiannual | | annual | | single event | x | Violation Base Penalty \$350 | |
| daily | | | | | | | | | | | | | | | | |
| weekly | | | | | | | | | | | | | | | | |
| monthly | | | | | | | | | | | | | | | | |
| quarterly | | | | | | | | | | | | | | | | |
| semiannual | | | | | | | | | | | | | | | | |
| annual | | | | | | | | | | | | | | | | |
| single event | x | | | | | | | | | | | | | | | |
| One single event is recommended. | | | | | | | | | | | | | | | | |
| Good Faith Efforts to Comply | | Reduction \$87 | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">25.0%</td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> </tr> <tr> <td>Ordinary</td> <td style="text-align: center;">x</td> </tr> <tr> <td>N/A</td> <td></td> </tr> </table> | | | 25.0% | | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | Extraordinary | | Ordinary | x | N/A | | | | | | |
| | 25.0% | | | | | | | | | | | | | | | |
| | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | | | | | | | | | | | | | | | |
| Extraordinary | | | | | | | | | | | | | | | | |
| Ordinary | x | | | | | | | | | | | | | | | |
| N/A | | | | | | | | | | | | | | | | |
| Notes The Respondent returned to compliance by August 8, 2022. | | | | | | | | | | | | | | | | |
| Violation Subtotal | | \$263 | | | | | | | | | | | | | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | | | | | | | | | | | | | |
| Estimated EB Amount | \$16 | Violation Final Penalty Total \$312 | | | | | | | | | | | | | | |
| This violation Final Assessed Penalty (adjusted for limits) | | \$312 | | | | | | | | | | | | | | |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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 | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$2,000 | 29-Jun-2022 | 8-Aug-2022 | 0.11 | \$1 | \$15 | \$16 |
| 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 Well Meter Nos. 2, 3, and 4 at the Pine Shadows Plant, 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

\$2,000

TOTAL

\$16

| | | | | |
|--------------------------------|---|--|-----------------|------------|
| Screening Date | 15-Sep-2022 | Docket No. | 2022-1298-PWS-E | PCW |
| Respondent | Lake Livingston Water Supply Corporation | Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 | | |
| Case ID No. | 63080 | | | |
| Reg. Ent. Reference No. | RN105711931 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Mason DeMasi | | | |
| Violation Number | 16 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii) | | | |
| Violation Description | Failed to calibrate the Facility's benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested. Specifically, the primary standards expired in February 2022. | | | |
| | | Base Penalty | \$5,000 | |

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|---|----------------------|-------------------|-------|---------|--|
| Matrix Notes | Falsification | | | | |
| | Major | Moderate | Minor | | |
| | | | | | |
| | | | | | |
| | | Percent | | 0.0% | |
| Failure to calibrate the benchtop turbidimeter with adequate primary standards could cause inaccurate data collection and prevent detection of treatment problems 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 | 1 | 40 | Number of violation days |
| | daily | | |
| | weekly | | |
| | monthly | | |
| | quarterly | | |
| | semiannual | | |
| | annual | | |
| | single event | x | |
| One single event is recommended. | | | |
| Violation Base Penalty | | \$750 | |

Good Faith Efforts to Comply

| | | | |
|---|--|-------|--|
| 25.0% | | | |
| Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | | | |
| Extraordinary | | | |
| Ordinary | x | | |
| N/A | | | |
| Notes | The Respondent returned to compliance by August 8, 2022. | | |
| Violation Subtotal | | \$563 | |

Economic Benefit (EB) for this violation

| | |
|--|-------|
| Statutory Limit Test | |
| Estimated EB Amount | \$0 |
| Violation Final Penalty Total | \$668 |
| This violation Final Assessed Penalty (adjusted for limits) | |
| \$668 | |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
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 | \$5 | 29-Jun-2022 | 8-Aug-2022 | 0.11 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$10 | 29-Jun-2022 | 8-Aug-2022 | 0.11 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to purchase current primary standard (\$5), calculated from the investigation date to the date of compliance.

The Other (as needed) delayed cost includes the estimated amount to calibrate the benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested, calculated from the investigation date 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

\$15

TOTAL

\$0

| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E Violation Number 17 Rule Cite(s) 30 Tex. Admin. Code § 290.41(e)(2)(C) Violation 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. Specifically, the buoys marking the restricted zone had floated off. | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> | | | | | | | | | | | | | | | | |
|---|--|--|----------------|-----------------------------------|---------------|---------|-------|-----------|-------|---------------------|-----|--------|--|--------------|--|-------------------------------------|--|----------------------|
| Base Penalty \$5,000 | | | | | | | | | | | | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | | | | | | | | | | |
| OR | <table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <th>Release</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td>x</td> <td></td> </tr> </table> | | Harm | | | Release | Major | Moderate | Minor | Actual | | | | Potential | | x | | Percent 15.0% |
| | | Harm | | | | | | | | | | | | | | | | |
| | Release | Major | Moderate | Minor | | | | | | | | | | | | | | |
| Actual | | | | | | | | | | | | | | | | | | |
| Potential | | x | | | | | | | | | | | | | | | | |
| >> Programmatic Matrix | | | | | | | | | | | | | | | | | | |
| Matrix Notes | <table border="1" style="margin: auto;"> <tr> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table> | Falsification | Major | Moderate | Minor | | | | | Percent 0.0% | | | | | | | | |
| | Falsification | Major | Moderate | Minor | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Failure to establish a restricted zone designated with signs and prohibiting recreational activities could expose persons served by the Facility to significant amounts of contaminants which would not exceed levels protective of human health. | | | | | | | | | | | | | | | | | | |
| Adjustment \$4,250 | | \$750 | | | | | | | | | | | | | | | | |
| Violation Events | | | | | | | | | | | | | | | | | | |
| Number of Violation Events 1 | | 40 Number of violation days | | | | | | | | | | | | | | | | |
| <table border="1" style="margin: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td>x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table> | | daily | | weekly | | monthly | | quarterly | x | semiannual | | annual | | single event | | Violation Base Penalty \$750 | | |
| daily | | | | | | | | | | | | | | | | | | |
| weekly | | | | | | | | | | | | | | | | | | |
| monthly | | | | | | | | | | | | | | | | | | |
| quarterly | x | | | | | | | | | | | | | | | | | |
| semiannual | | | | | | | | | | | | | | | | | | |
| annual | | | | | | | | | | | | | | | | | | |
| single event | | | | | | | | | | | | | | | | | | |
| One quarterly event is recommended, calculated from the date of the investigation, June 29, 2022, to the date of compliance, August 8, 2022. | | | | | | | | | | | | | | | | | | |
| Good Faith Efforts to Comply | | Reduction \$187 | | | | | | | | | | | | | | | | |
| <table border="1" style="margin: auto;"> <tr> <td></td> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td>x</td> <td></td> </tr> <tr> <td>N/A</td> <td></td> <td></td> </tr> </table> | | | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | Extraordinary | | | Ordinary | x | | N/A | | | | | | | |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | | | | | | | | | | | | | | | | |
| Extraordinary | | | | | | | | | | | | | | | | | | |
| Ordinary | x | | | | | | | | | | | | | | | | | |
| N/A | | | | | | | | | | | | | | | | | | |
| Notes: The Respondent returned to compliance by August 8, 2022. | | | | | | | | | | | | | | | | | | |
| Violation Subtotal | | \$563 | | | | | | | | | | | | | | | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | | | | | | | | | | | | | | | |
| Estimated EB Amount \$4 | Violation Final Penalty Total \$668 | | | | | | | | | | | | | | | | | |
| This violation Final Assessed Penalty (adjusted for limits) | | \$668 | | | | | | | | | | | | | | | | |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
Media Public Water Supply
Violation No. 17

| 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-Jun-2022 | 8-Aug-2022 | 0.11 | \$0 | \$4 | \$4 |
| 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 establish a restricted zone with signs that prohibit recreational activities and trespassing, 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

\$500

TOTAL

\$4

| | | |
|--|---|--|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
| Violation Number 18 | | |
| Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c) | | |
| Violation Description Failed to provide a minimum pressure tank capacity. Specifically, in a letter dated July 14, 2021, the Indian Hills Estates Pressure Plane was granted an alternative capacity requirement of 12.2 gallons per connection. The pressure plane had 371 connections requiring a pressure tank capacity of 4,526 gallons. However, only 4,000 gallons were provided, indicating a 12% deficiency. | | |
| 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 provide adequate pressure tank capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health. | |
| Adjustment | | \$4,250 |
| | | \$750 |
| Violation Events | | |
| Number of Violation Events | | 1 |
| | | 78 |
| | | 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 date of the investigation, June 29, 2022, to the date of compliance, August 8, 2022. | | |
| Good Faith Efforts to Comply | | 25.0% Before NOE/NOV NOE/NOV to EDRP/Settlement Offer |
| Reduction | | \$187 |
| | Extraordinary | |
| | Ordinary | x |
| | N/A | |
| Notes | The Respondent returned to compliance by August 8, 2022. | |
| Violation Subtotal | | \$563 |
| Economic Benefit (EB) for this violation | | Statutory Limit Test |
| Estimated EB Amount | \$39 | Violation Final Penalty Total |
| | | \$668 |
| This violation Final Assessed Penalty (adjusted for limits) | | \$668 |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
Media Public Water Supply
Violation No. 18

| 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 | \$5,000 | 29-Jun-2022 | 8-Aug-2022 | 0.11 | \$2 | \$37 | \$39 |
| 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 provide a pressure tank capacity of at least 12.2 gallons per connection, 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

\$5,000

TOTAL

\$39

| | | |
|---|---|--|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E Violation Number 19 Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(ii) and (s)(2)(C)(iii) | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|---|---|--|

Violation Description
 Failed to verify the accuracy of the Facility's continuous disinfectant residual analyzers at least once every seven days with a chlorine solution of known concentration or by comparing the results to an approved benchtop method and ensure the result is within 15% of the expected value. Specifically, the benchtop readings were 3.53 to 4.35, indicating a result which is not within 15% of the expected value.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

| | Major | Moderate | Minor |
|----------------|-------|----------|-------|
| Release | | | |
| Actual | | | |
| Potential | | x | |

Percent 15.0%

>> Programmatic Matrix

Matrix Notes

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Failure to verify the accuracy of the continuous disinfectant residual analyzers could cause inaccurate data collection and prevent detection of treatment problems 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 1

78 Number of violation days

daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event

| |
|---|
| |
| |
| |
| |
| |
| |
| x |

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0%
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Reduction \$0

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

Estimated EB Amount \$1

Statutory Limit Test

Violation Final Penalty Total \$855

This violation Final Assessed Penalty (adjusted for limits) \$855

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
Media Public Water Supply
Violation No. 19

| 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) | \$5 | 29-Jun-2022 | 9-Oct-2024 | 2.28 | \$1 | n/a | \$1 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to verify the accuracy of the continuous disinfectant residual analyzer at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the result of the approved benchtop method and ensure the result is within 15% of the expected value, 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

TOTAL

\$1

| | | |
|---|---|--|
| Screening Date 15-Sep-2022 Respondent Lake Livingston Water Supply Corporation Case ID No. 63080 Reg. Ent. Reference No. RN105711931 Media Public Water Supply Enf. Coordinator Mason DeMasi | Docket No. 2022-1298-PWS-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 | PCW |
| Violation Number <input style="width: 50px;" type="text" value="20"/> | | |
| Rule Cite(s) <input style="width: 80%; border: 1px solid black;" type="text" value="30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)"/> | | |
| Violation Description <input style="width: 80%; border: 1px solid black;" type="text" value="Failed to provide the minimum well capacity of 0.6 gpm per connection. Specifically, the Natasha Heights Pressure Plane had 218 connections requiring a well capacity of 131 gpm. However, only 62 gpm were provided, indicating a 53% deficiency."/> | | |
| Base Penalty | | <input style="width: 100px;" type="text" value="\$5,000"/> |
| >> Environmental, Property and Human Health Matrix | | |
| OR | Release | Harm |
| | Major Moderate Minor | |
| | Actual <input style="width: 50px;" type="text"/> Potential <input style="width: 50px;" type="text" value="x"/> | Percent <input style="width: 50px;" type="text" value="30.0%"/> |
| >> Programmatic Matrix | | |
| | Falsification Major Moderate Minor | |
| | <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> | Percent <input style="width: 50px;" type="text" value="0.0%"/> |
| Matrix Notes | Failure to provide adequate well capacity could expose persons served by the Facility to contaminants that would exceed levels protective of human health. | |
| Adjustment | | <input style="width: 100px;" type="text" value="\$3,500"/> |
| | | <input style="width: 100px;" type="text" value="\$1,500"/> |
| Violation Events | | |
| Number of Violation Events <input style="width: 50px;" type="text" value="3"/> | | Number of violation days <input style="width: 50px;" type="text" value="78"/> |
| | <div style="border: 1px solid black; padding: 2px;"> daily <input style="width: 50px;" type="text"/> weekly <input style="width: 50px;" type="text"/> monthly <input style="width: 50px;" type="text" value="x"/> quarterly <input style="width: 50px;" type="text"/> semiannual <input style="width: 50px;" type="text"/> annual <input style="width: 50px;" type="text"/> single event <input style="width: 50px;" type="text"/> </div> | Violation Base Penalty <input style="width: 100px;" type="text" value="\$4,500"/> |
| Three monthly events are recommended, calculated from the date of the investigation, June 29, 2022, to the date of screening, September 15, 2022. | | |
| Good Faith Efforts to Comply | | Reduction <input style="width: 100px;" type="text" value="\$0"/> |
| <div style="display: flex; justify-content: space-between;"> Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer </div> Extraordinary <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> Ordinary <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> N/A <input style="width: 50px;" type="text" value="x"/> <input style="width: 50px;" type="text"/> | | |
| Notes <input style="width: 80%; border: 1px solid black;" type="text" value="The Respondent does not meet the good faith criteria for this violation."/> | | |
| Violation Subtotal | | <input style="width: 100px;" type="text" value="\$4,500"/> |
| Economic Benefit (EB) for this violation | | |
| Estimated EB Amount | | <input style="width: 100px;" type="text" value="\$1,944"/> |
| Statutory Limit Test | | |
| Violation Final Penalty Total | | <input style="width: 100px;" type="text" value="\$5,130"/> |
| This violation Final Assessed Penalty (adjusted for limits) | | <input style="width: 100px;" type="text" value="\$5,130"/> |

Economic Benefit Worksheet

Respondent Lake Livingston Water Supply Corporation
Case ID No. 63080
Reg. Ent. Reference No. RN105711931
Media Public Water Supply
Violation No. 20

| 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 | \$5,000 | 20-Aug-2019 | 8-Mar-2025 | 5.55 | \$93 | \$1,851 | \$1,944 |
| 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 provide a well capacity of at least 0.6 gpm per connection, calculated from the date of the investigation initially documenting the violation 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

\$1,944



Compliance History Report

Compliance History Report for CN600623029, RN105711931, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600623029, Lake Livingston Water Supply Corporation **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN105711931, LAKE LIVINGSTON PINESHADOWS EAST **Classification:** HIGH **Rating:** 0.00

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 4415 FARM-TO-MARKET ROAD 3216 IN LIVINGSTON, POLK COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1870166 **SLUDGE REGISTRATION** 730375

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

Date Compliance History Report Prepared: May 01, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 01, 2019 to May 01, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Miles Wehner **Phone:** (512) 239-2813

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 08/04/2020 ADMINORDER 2019-1757-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 3Q2019 - During the 3rd quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at 4951 FM 3126 Livingston Indian Hill Park (DBP2-01).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 1Q2019 - During the 1st quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.082 mg/L at 4951 FM 3126 Livingston Indian Hill Park (DBP2-01).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: CHLORITE MR PN MAR/2018 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 chlorite monitoring and reporting violation for the month of 03/2018.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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: 05/19/2023 (1943032) | |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1) | |
| | Description: GA MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for gross alpha with a RAA of 19 pCi/L. ETT Point Value = 5 | |
| | | |
| 2 | Date: 11/03/2023 (1943032) | |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.108(F)(1) | |
| | Description: GA MCL 2Q2023 - During the 2nd quarter of 2023 the system violated the maximum contaminant level for gross alpha with a RAA of 18 pCi/L. ETT Point Value = 5 | |

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

RN105711931

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-1298-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 at 4415 Farm-to-Market Road 3216 in Livingston, Polk County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 2,321 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(73).
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 \$20,494 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$471 of the penalty and \$4,098 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$15,925 of the undeferred penalty shall be paid in 35 monthly payments of \$455 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of

the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

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 measures at the Facility:
 - a. By July 1, 2022, provided a minimum service pump capacity of at least 1.94 gallon per minute ("gpm") per connection;
 - b. By July 18, 2022, repaired Pressure Tank No. 1 at the Indian Hills Estates Plant;
 - c. By August 8, 2022:
 - i. Provided Pressure Tank No. 1 at the Natasha Heights Plant with a pressure release device;
 - ii. Provided a pressure tank capacity of at least 12.2 gallons per connection;
 - iii. Repaired Service Pump No. 1 at the Indian Hills Plant that was leaking;
 - iv. Repaired the fence surrounding the Indian Hills Estates Plant, the Natasha Heights Plant, and the Pine Shadows Plant;
 - v. Provided a suitable sampling cock on the discharge pipe of the Facility's Well No. 4;
 - vi. Calibrated the well meters for Well No. 3;
 - vii. Replaced the well meters for Well No. 2, Well No. 3, and Well No. 4;

- viii. Replaced the expired primary standards for the benchtop turbidimeter;
- ix. Replaced the buoys to create a 200-foot restriction zone;
- d. By October 5, 2022, maintained water system operation and maintenance records for the amount of each chemical used each day;
- e. By November 17, 2022, provided separate containment structures for chemicals that are incompatible;
- f. By March 11, 2023:
 - i. Provided a raw water pump capacity of at least 0.6 gpm per connection with the largest pump out of service;
 - ii. Provided a transfer pump capacity of at least 0.6 gpm per connection with the largest pump out of service;
 - iii. Repaired the generator at the Natasha Heights Plant and the drain overflow flap on the 137,000-gallon standpipe, and removed the vegetation on the fences surrounding the Pine Shadows Plant, Natasha Heights Well No. 6, the Raw Water Intake Plant, Weavers Cove Plant, Indian Hills Estates Plant, and the 137,000-gallon standpipe; and
- g. By April 11, 2023, obtained an exception for the air gap for the filter-to-waste connection.

II. ALLEGATIONS

During an investigation at the Facility conducted on June 29, 2022 through June 30, 2022, an investigator documented that the Respondent:

1. 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, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(E). Specifically, the filter-to-waste line was approximately twelve to fourteen inches in diameter requiring an air gap of six to seven inches, however there was only two to four inches of air gap.
2. Failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 171 connections at the Forest Hills pressure plane, 1,341 connections at the Estates 4&5 pressure plane, 371 connections at the Indian Hills Estates pressure plane, and a purchase water contract to serve 75 connections at the Pinwah Pines WS pressure plane totaling 1,958 connections and was required to provide 1,175 gpm of raw water pump capacity with the largest pump out of service. However, the Facility provided 700 gpm with the largest pump out of service, indicating a 40% deficiency.
3. Failed to provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(C) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 171 connections at the Forest Hills pressure plane, 1,341 connections at the Estates 4&5 pressure plane, 371

connections at the Indian Hills Estates pressure plane, and a purchase water contract to serve 75 connections at the Pinwah Pines WS pressure plane totaling 1,958 connections and was required to provide 1,175 gpm of transfer pump capacity with the largest pump out of service. However, the Facility provided 700 gpm with the largest pump out of service, indicating a 40% deficiency.

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, Pressure Tank No. 1 at the Indian Hills Estates Plant was not being maintained.
5. 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, the generator at the Natasha Heights Plant was not being maintained, the drain overflow flap on the 137,000-gallon standpipe was broken, and vegetation was growing on the fences surrounding the Pine Shadows Plant, Natasha Heights Well No. 6, the Raw Water Intake Plant, Weavers Cove Plant, Indian Hills Estates Plant, and the 137,000-gallon standpipe.
6. Failed to provide a suitable sampling cock on the discharge pipe of Well No. 4 prior to any treatment, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M).
7. Failed to provide separate containment structures for chemicals that are incompatible, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(IV). Specifically, the aluminum chlorohydrate ("ACH") and liquid ammonium sulfate ("LAS") were stored in the same secondary containment structure. Additionally, alum, caustic, and LAS were stored in the same secondary containment structure.
8. Failed to provide adequate containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii). Specifically, the four ACH tote containers did not have secondary containment.
9. Failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1). Specifically, the well meter for Well No. 3 had not been calibrated since 2016.
10. 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) and (f)(3)(A)(i)(II). Specifically, the records of the amount of each chemical used each day at the Natasha Heights Plant and Weavers Cove Plant were not available for review.
11. Failed to provide the minimum service pump capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, in a letter date July 14, 2021, the Natasha Heights Pressure Plane was granted an alternative capacity requirement of 1.94 gpm per connection. The pressure plane had 218 connections requiring a service pump capacity of 423 gpm. However, only 400 gpm were provided, indicating a 5% deficiency.
12. Failed to provide the Facility's pressure tanks with a pressure release device and an easily readable pressure gauge, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2).

Specifically, Pressure Tank No. 1 at the Natasha Heights Plant did not have a pressure release device.

13. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4). Specifically, Service Pump No. 1 at the Indian Hills Plant was leaking.
14. Failed to provide an intruder-resistant fence or well house around each water treatment plant, well unit, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the Facility is unattended, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e). Specifically, the barbed wire surrounding the Natasha Heights Plant and the Pine Shadows Plant was loose. Additionally, the fence and the barbed wire surrounding the Indian Hills Estates was loose.
15. 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, the well meters for Well Nos. 2, 3, and 4 at the Pine Shadows Plant were not being maintained and were no longer working.
16. Failed to calibrate the Facility's benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii). Specifically, the primary standards expired in February 2022.
17. 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, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(2)(C). Specifically, the buoys marking the restricted zone had floated off.
18. Failed to provide a minimum pressure tank capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, in a letter dated July 14, 2021, the Indian Hills Estates Pressure Plane was granted an alternative capacity requirement of 12.2 gallons per connection. The pressure plane had 371 connections requiring a pressure tank capacity of 4,526 gallons. However, only 4,000 gallons were provided, indicating a 12% deficiency.
19. Failed to verify the accuracy of the Facility's continuous disinfectant residual analyzers at least once every seven days with a chlorine solution of known concentration or by comparing the results to an approved benchtop method to ensure the result is within 15% of the expected value, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii) and (s)(2)(C)(iii). Specifically, the benchtop readings were 3.53 to 4.35, indicating a result which is not within 15% of the expected value.
20. Failed to provide the minimum well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Natasha Heights Pressure Plane had 218 connections requiring a well capacity of 131 gpm. However, only 62 gpm were provided, indicating a 53% deficiency.

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. 2022-1298-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, verify the accuracy of the Facility's continuous disinfectant analyzer with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the result of an approved benchtop method and ensure the result is within 15% of the expected value, in accordance 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.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 90 days after the effective date of this Order, provide adequate containment facilities for the four containers of ACH, in accordance with 30 TEX. ADMIN. CODE § 290.42.
 - d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
 - e. Within 180 days after the effective date of this Order, provide a well capacity of at least 0.6 gpm per connection, including but not limited to the Natasha Heights Pressure Plane, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - f. 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 No. 2.e. 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:

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 Enforcement Division 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

Krista Mello-Jurack

07/16/2025

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 OAG 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 OAG 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.

John N. Sexton

Signature

6-20-2025

Date

JOHN N SEXTON

Name (Printed or typed)
Authorized Representative of
Lake Livingston Water Supply Corporation

BOARD PRESIDENT

Title

☐ 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.