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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0349-PWS-E TCEQ ID: RN101266138 CASE NO.: 32869
RESPONDENT NAME: Northeast Washington County Water Supply Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Northeast Washington County WSC, 2401 Highway 290 West, Brenham, Washington County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 3, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. J.W. Birchfield, President, Northeast Washington County Water Supply Corporation, P.O. Box 1687, Brenham, Texas 77834-1687 Mr. Billy C. Bryant, Vice President, Northeast Washington County Water Supply Corporation, P.O. Box 1687, Brenham, Texas 77834-1687 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 13, 2006</p> <p>Date of NOV/NOE Relating to this Case: February 15, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Thirteen violations were documented.</p> <p>WATER</p> <p>1) Failed to employ at least two operators who hold a Class C or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(C)].</p> <p>2) Failed to provide water system records to Commission personnel at the time of the investigation, including all annual tank inspection reports, verification of the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for the chemical additives, and the chlorine residual monitoring log [30 TEX. ADMIN. CODE § 290.46(f)(2)].</p> <p>3) Failed to maintain a thorough and up-to-date facility operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>4) Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>5) Failed to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p>	<p>Total Assessed: \$3,727</p> <p>Total Deferred: \$745 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,982</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Northeast Washington County WSC has implemented the following corrective measures at the Facility:</p> <p>a. As of December 22, 2006, Northeast Washington County WSC hired an additional operator, so that two operators who hold a Class C license were employed at the Facility; and</p> <p>b. On or about December 27, 2006, Northeast Washington County WSC:</p> <p>i. Replaced the screening on the aerator at well 4 with a 16-mesh or finer corrosion-resistant screening that is free of holes and fully intact; and</p> <p>ii. Repaired the liquid level indicator on ground storage tank 1 at well 2 so that it is functioning properly.</p> <p>Ordering Provisions:</p> <p>2) The Order will require Northeast Washington County WSC to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin maintaining water system records, including, but not limited to, all annual tank inspection reports, verification of the ANSI/NSF Standard 60 for the chemical additives, and the chlorine residual monitoring log, so that they can be made available to Commission personnel at the time of the investigation; and</p> <p>ii. Begin completing customer service inspection certificates prior to providing continuous water service to new construction.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Create and begin maintaining a thorough and up-to-date facility operations manual for operator review and reference;</p>

<p>6) Failed to house the gas chlorination equipment and chlorine cylinders at wells 1, 3 and 4 so that they are protected from adverse weather conditions and vandalism [30 TEX. ADMIN. CODE § 290.42(e)(4)(B)].</p> <p>7) Failed to maintain all distribution lines, water storage and pressure maintenance facilities, and all related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>8) Failed to prevent livestock from occupying the area within 50 feet of well 5 [30 TEX. ADMIN. CODE § 290.41(c)(1)(D)].</p> <p>9) Failed to provide a concrete sealing block on wells 1 and 2 that extends at least three feet in all directions from the well casing [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</p> <p>10) Failed to maintain well 2 in accordance with American Water Works Association ("AWWA") standards by failing to provide a hinged flap cover on the overflow of ground storage tank 2 that closes tightly and without a gap greater than 1/16th of an inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>11) Failed to maintain well 2 in accordance with AWWA standards by failing to provide a functioning liquid level indicator on ground storage tank 1 [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>12) Failed to maintain well 4 in accordance with AWWA standards by failing to provide a lockable roof hatch on the backwash tank that has an overlap at the curbing of at least two inches in a downward direction [30 TEX. ADMIN. CODE § 290.43(c)(2)].</p> <p>13) Failed to maintain well 4 in accordance with AWWA standards by failing to provide an intact 16-mesh or finer corrosion-resistant screen on the aerator [30 TEX. ADMIN. CODE § 290.42(b)(2)(C)].</p>		<p>ii. Remove all overgrown vegetation from the fences at wells 1, 3, and 4 to ensure the good working condition and general appearance of the system's facilities and equipment;</p> <p>iii. Repair the leaks at wells 2 and 4 so that all distribution lines, water storage and pressure maintenance facilities, and all related appurtenances are maintained in a watertight condition;</p> <p>iv. Prevent livestock from entering the area within 50 feet of well 5;</p> <p>v. Provide a concrete sealing block on wells 1 and 2 that extends at least three feet in all directions from the well casing; and</p> <p>vi. Provide a hinged flap cover on the overflow of ground storage tank 2 at well 2 that closes tightly and without a gap greater than 1/16th of an inch.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification, as described in Ordering Provision 2.d. below, to demonstrate compliance with Ordering Provisions 2.a. and 2.b.;</p> <p>ii. Construct housing for the gas chlorination equipment and chlorine cylinders at wells 1, 3 and 4 so that they are protected from adverse weather conditions and vandalism; and</p> <p>iii. Provide a lockable roof hatch on the backwash tank at well 4 that has an overlap at the curbing of at least two inches in a downward direction.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.</p>
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	20-Feb-2007	Screening	1-Mar-2007	EPA Due	
	PCW	7-Mar-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Northeast Washington County Water Supply Corporation
Reg. Ent. Ref. No.	RN101266138
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	32869	No. of Violations	10	
Docket No.	2007-0349-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz	
Multi-Media		EC's Team	EnforcementTeam 2	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No 0% Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply 0% Reduction **Subtotal 5**

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes

Total EB Amounts 0% Enhancement* **Subtotal 6**
 *Capped at the Total EB \$ Amount
Approx. Cost of Compliance

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 20% Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The compliance history enhancement is due to one prior Notice of Violation ("NOV") containing a violation that is the same as a violation in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

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

Violation Description Failed to employ at least two operators who hold a Class C or higher license. Specifically, at the time of the investigation, the water supply employed only one operator with a Class C license.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes If the water supply employs only one licensed operator, incomplete maintenance of the system could result and customers of the water supply could become exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 9

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, December 13, 2006, to the date of compliance, December 22, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$259

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent Northeast Washington County Water Supply Corporation
Case ID No. 32869
Reg. Ent. Reference No. RN101266138
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal			0.0	\$0	n/a	\$0
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)			0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal			0.0	\$0	\$0	\$0
Personnel	\$10,000	13-Dec-2006	22-Dec-2006	0.0	\$12	\$259
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs includes the annual amount to employ an additional operator with at least a Class C license, calculated from the date of the investigation, to the date of compliance.

Approx. Cost of Compliance

\$10,000

TOTAL

\$259

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2)

Violation Description Failed to provide water system records to Commission personnel at the time of the investigation, including all annual tank inspection reports, verification of the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for the chemical additives, and the chlorine residual monitoring log.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
			x		5%

Matrix Notes Approximately 50% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 78

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

Economic Benefit Worksheet

Respondent Northeast Washington County Water Supply Corporation
Case ID No. 32869
Reg. Ent. Reference No. RN101266138
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	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	13-Dec-2006	1-Oct-2007	0.8	\$40	n/a	\$40
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to maintain system records, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$1,000

TOTAL:

\$40

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.42(I)

Violation Description Failed to maintain a thorough and up-to-date facility operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

78 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent Northeast Washington County Water Supply Corporation
Case ID No. 32869
Reg. Ent. Reference No. RN101266138
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	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	13-Dec-2006	31-Oct-2007	0.9	\$22	n/a	\$22
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to prepare and maintain a facility operations manual, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$22

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

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

Violation Description Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

If customer service inspection certificates are not properly issued prior to providing water service, a cross connection could occur or a source of contamination might not be noted and the customers of the water supply could be exposed to significant amounts of contaminants which could exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 78

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$262

This violation Final Assessed Penalty (adjusted for limits) \$262

Economic Benefit Worksheet

Respondent Northeast Washington County Water Supply Corporation
Case ID No. 32869
Reg. Ent. Reference No. RN101266138
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	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	12-Dec-2006	1-Oct-2007	0.8	\$1	\$27	\$28
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to initiate a proper customer service inspection program, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$28

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

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

Violation Description Failed to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the inspection, the fences at wells 1, 3, and 4 had overgrown vegetation on the top of them.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

If the system's facilities are not maintained, customers of the water supply could be exposed to insignificant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3 Number of violation days 78

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$150

Three single events are recommended (one event for each well).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$157

This violation Final Assessed Penalty (adjusted for limits) \$157

Economic Benefit Worksheet

Respondent Northeast Washington County Water Supply Corporation
Case ID No. 32869
Reg. Ent. Reference No. RN101266138
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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$300	13-Dec-2006	31-Oct-2007	0.9	\$13	n/a	\$13
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to remove all vines and vegetation from the fences surrounding wells 1, 3, and 4, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$300

TOTAL

\$13

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(B)

Violation Description Failed to house the gas chlorination equipment and chlorine cylinders so that they are protected from adverse weather conditions and vandalism. Specifically, on the date of the investigation, the chlorine cylinders were being housed outside without proper protection at wells 1, 3, and 4.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential	x				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

If the gas chlorination equipment is not properly protected from weather and vandals, employees of the water system could be exposed to a significant danger caused by chlorine gas that could escape from damaged cylinders.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 9 Number of violation days 78

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,250

Nine monthly events are recommended (three events for each well), calculated from the date of the investigation, December 13, 2006, to the date of screening, March 1, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$101

Violation Final Penalty Total \$2,362

This violation Final Assessed Penalty (adjusted for limits) \$2,362

Economic Benefit Worksheet

Respondent Northeast Washington County Water Supply Corporation
Case ID No. 32869
Reg. Ent. Reference No. RN101266138
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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,500	13-Dec-2006	30-Nov-2007	1.0	\$5	\$96	\$101
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to construct the proper housing for the gas chlorination equipment and cylinders at wells 1, 3, and 4, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$1,500

TOTAL

\$101

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 7

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

Violation Description Failed to maintain all distribution lines, water storage and pressure maintenance facilities, and all related appurtenances in a watertight condition. Specifically, on the date of the investigation, there were leaks noted at wells 2 and 4.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

If the system is not maintained in a watertight condition, contaminants could enter the water supply and customers be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

2

78 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$200

Two quarterly events are recommended (one event for each well), calculated from the date of the investigation, December 13, 2006, to the date of screening, March 1, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

Economic Benefit Worksheet

Respondent Northeast Washington County Water Supply Corporation
Case ID No. 32869
Reg. Ent. Reference No. RN101266138
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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$300	13-Dec-2006	31-Oct-2007	0.9	\$1	\$18	\$19
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to repair the leaking areas at wells 2 and 4, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$300

TOTAL

\$19

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(D)

Violation Description Failed to prevent livestock from occupying the area within 50 feet of well number 5. Specifically, the fence surrounding well number 5 only extends 48 feet 5 inches from the well, and cattle manure was noted in the pasture on the other side of the fence from the well site.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Permitting livestock within 50 feet of the well could result in fecal matter entering the water supply.

Adjustment \$950

\$50

Violation Events

1

78 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

Economic Benefit Worksheet

Respondent Northeast Washington County Water Supply Corporation
Case ID No. 32869
Reg. Ent. Reference No. RN101266138
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	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	13-Dec-2006	31-Oct-2007	0.9	\$1	\$29	\$31
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to move the fence surrounding the well back to a minimum of 50 feet from the well to prevent livestock from entering the area, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$31

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(J)

Violation Description

Failed to provide a concrete sealing block on wells 1 and 2 that extends at least three feet in all directions from the well casing. Specifically, the sealing block on well 1 extends only 2 feet 8 inches from the well casing, and the sealing block on well 2 extends only 2 feet 5 inches from the well casing.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have sealing blocks that extend a minimum of three feet from the wells could expose customers of the water supply to significant amounts contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

78 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$200

Two quarterly events are recommended (one event for each well), calculated from the date of the investigation, December 13, 2006, to the date of screening, March 1, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

Economic Benefit Worksheet

Respondent Northeast Washington County Water Supply Corporation

Case ID No. 32869

Reg. Ent. Reference No. RN101266138

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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	13-Dec-2006	31-Oct-2007	0.9	\$1	\$29	\$31
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to increase the size of the sealing blocks at wells 1 and 2, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$31

Screening Date 1-Mar-2007

Docket No. 2007-0349-PWS-E

PCW

Respondent Northeast Washington County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32869

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266138

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2), (c)(3), and (c)(4) and 30 Tex. Admin. Code § 290.42(b)(2)(C)

Violation Description

Failed to construct and maintain wells 2 and 4 in accordance with American Water Works Association ("AWWA") standards. Specifically, at well 2, the water supply failed to provide a hinged flap cover on the overflow of ground storage tank 2 that closes tightly and without a gap greater than 1/16th of an inch and failed to provide a functioning liquid level indicator on ground storage tank 1. At well 4, the water supply failed to have a lockable roof hatch on the backwash tank that has an overlap at the curbing of at least two inches in a downward direction and failed to provide an intact 16-mesh or finer corrosion-resistant screen on the aerator.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to adhere to AWWA standards prevents the wells from operating efficiently and could expose customers of the water supply to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 78 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$200

Two quarterly events are recommended (one event for each well), calculated from the date of the investigation, December 13, 2006, to the date of screening, March 1, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$130

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

Economic Benefit Worksheet

Respondent Northeast Washington County Water Supply Corporation
Case ID No. 32869
Reg. Ent. Reference No. RN101266138
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	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,000	13-Dec-2006	31-Oct-2007	0.9	\$3	\$59	\$62
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	13-Dec-2006	27-Dec-2006	0.0	\$0	\$1	\$1
Engineering/construction	\$1,000	13-Dec-2006	30-Nov-2007	1.0	\$3	\$64	\$68
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$25	13-Dec-2006	27-Dec-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed equipment cost include the amount to repair the overflow flap cover on ground storage tank 2 at well 2 so that the flap cover closes tightly and without a gap greater than 1/16th, calculated from the date of the investigation to the estimated date of compliance. The first other delayed cost includes the amount to repair the liquid level Indicator on ground storage tank 1 at well 2, calculated from the date of the investigation to the date of compliance. The delayed construction cost includes the amount to construct a lockable roof hatch on the backwash tank at well 4 that has an overlap at the curbing of at least two inches in a downward direction, calculated from the date of the investigation to the estimated date of compliance. The last other delayed cost includes the amount to install a replacement 16-mesh or finer corrosion-resistant screen on the aerator at well 4, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance	\$2,225	TOTAL	\$130
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Compliance History

Customer/Respondent/Owner-Operator:	CN600697163	Northeast Washington County WSC	Classification:	Rating:
Regulated Entity:	RN101266138	NORTHEAST WASHINGTON COUNTY WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE		2390043 2390043
Location:	2401 HWY 290 W BRENHAM			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	March 01, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 01, 2002 to March 01, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

- | | |
|--|-----|
| 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	3/15/2002		
2	02/16/2007	(519323)	
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	3/15/2002		
Self Report?	No	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)(4)(C)		
Description:	Failure by the water supply to employ at least two operators who hold a Class "C" or higher groundwater license.		
 - 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
NORTHEAST WASHINGTON
COUNTY WATER SUPPLY
CORPORATION
RN101266138**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0349-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Northeast Washington County Water Supply Corporation ("Northeast Washington County WSC") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Northeast Washington County WSC appear before the Commission and together stipulate that:

1. Northeast Washington County WSC owns a public water supply at 2401 Highway 290 West in Brenham, Washington County, Texas (the "Facility") that has approximately 1,076 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Northeast Washington County WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that Northeast Washington County WSC is subject to the Commission's jurisdiction.
3. Northeast Washington County WSC received notice of the violations alleged in Section II ("Allegations") on or about February 20, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Northeast Washington County WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand Seven Hundred Twenty-Seven Dollars (\$3,727) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Northeast Washington County WSC has paid Two Thousand Nine Hundred Eighty-Two Dollars (\$2,982) of the administrative penalty and Seven Hundred Forty-Five Dollars (\$745) is deferred contingent upon Northeast Washington County WSC's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Northeast Washington County WSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive

Director may require Northeast Washington County WSC to pay all or part of the deferred penalty.

6. 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.
7. The Executive Director of the TCEQ and Northeast Washington County WSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Northeast Washington County WSC has implemented the following corrective measures at the Facility:
 - a. As of December 22, 2006, Northeast Washington County WSC hired an additional operator, so that two operators who hold a Class C license were employed at the Facility; and
 - b. On or about December 27, 2006, Northeast Washington County WSC:
 - i. Replaced the screening on the aerator at well 4 with a 16-mesh or finer corrosion-resistant screening that is free of holes and fully intact; and
 - ii. Repaired the liquid level indicator on ground storage tank 1 at well 2 so that it is functioning properly.
9. 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 Northeast Washington County WSC has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, Northeast Washington County WSC is alleged to have:

1. Failed to employ at least two operators who hold a Class C or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(C), as documented during an investigation conducted on December 13, 2006.
2. Failed to provide water system records to Commission personnel at the time of the investigation, including all annual tank inspection reports, verification of the American National Standards

Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for the chemical additives, and the chlorine residual monitoring log, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on December 13, 2006.

3. Failed to maintain a thorough and up-to-date facility operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on December 13, 2006.
4. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on December 13, 2006.
5. Failed 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), as documented during an investigation conducted on December 13, 2006.
6. Failed to house the gas chlorination equipment and chlorine cylinders at wells 1, 3 and 4 so that they are protected from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B), as documented during an investigation conducted on December 13, 2006.
7. Failed to maintain all distribution lines, water storage and pressure maintenance facilities, and all related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on December 13, 2006.
8. Failed to prevent livestock from occupying the area within 50 feet of well 5, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(D), as documented during an investigation conducted on December 13, 2006.
9. Failed to provide a concrete sealing block on wells 1 and 2 that extends at least three feet in all directions from the well casing, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J), as documented during an investigation conducted on December 13, 2006.
10. Failed to maintain well 2 in accordance with American Water Works Association ("AWWA") standards by failing to provide a hinged flap cover on the overflow of ground storage tank 2 that closes tightly and without a gap greater than 1/16th of an inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on December 13, 2006.
11. Failed to maintain well 2 in accordance with AWWA standards by failing to provide a functioning liquid level indicator on ground storage tank 1, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on December 13, 2006.
12. Failed to maintain well 4 in accordance with AWWA standards by failing to provide a lockable roof hatch on the backwash tank that has an overlap at the curbing of at least two inches in a downward direction, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during an investigation conducted on December 13, 2006.

13. Failed to maintain well 4 in accordance with AWWA standards by failing to provide an intact 16-mesh or finer corrosion-resistant screen on the aerator, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(2)(C), as documented during an investigation conducted on December 13, 2006.

III. DENIALS

Northeast Washington County WSC generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Northeast Washington County WSC pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Northeast Washington County WSC's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Northeast Washington County Water Supply Corporation, Docket No. 2007-0349-PWS-E" to:

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

2. It is further ordered that Northeast Washington County WSC shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Begin maintaining water system records, including, but not limited to, all annual tank inspection reports, verification of the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for the chemical additives, and the chlorine residual monitoring log, so that they can be made available to Commission personnel at the time of the investigation, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Begin completing customer service inspection certificates prior to providing continuous water service to new construction, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order:

- i. Create and begin maintaining a thorough and up-to-date facility operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Remove all overgrown vegetation from the fences at wells 1, 3, and 4 to ensure the good working condition and general appearance of the system's facilities and equipment, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Repair the leaks at wells 2 and 4 so that all distribution lines, water storage and pressure maintenance facilities, and all related appurtenances are maintained in a watertight condition, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iv. Prevent livestock from entering the area within 50 feet of well 5, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - v. Provide a concrete sealing block on wells 1 and 2 that extends at least three feet in all directions from the well casing, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - vi. Provide a hinged flap cover on the overflow of ground storage tank 2 at well 2 that closes tightly and without a gap greater than 1/16th of an inch, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- c. Within 60 days after the effective date of this Agreed Order:
- i. Submit written certification, as described in Ordering Provision 2.d. below, to demonstrate compliance with Ordering Provisions 2.a. and 2.b.
 - ii. Construct housing for the gas chlorination equipment and chlorine cylinders at wells 1, 3 and 4 so that they are protected from adverse weather conditions and vandalism, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - iii. Provide a lockable roof hatch on the backwash tank at well 4 that has an overlap at the curbing of at least two inches in a downward direction, in accordance with TEX. ADMIN. CODE § 290.43.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

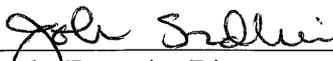
Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon Northeast Washington County WSC. Northeast Washington County WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Northeast Washington County WSC shall be made in writing to the Executive Director. Extensions are not effective until Northeast Washington County WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Northeast Washington County WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Northeast Washington County WSC, or three days after the date on which the Commission mails notice of the Order to Northeast Washington County WSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

8/29/07

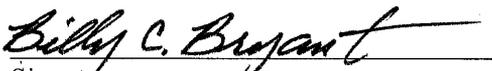
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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



Signature

June 13, 2007

Date

Billy C. Bryant

Name (Printed or typed)
Authorized Representative of
Northeast Washington County Water Supply Corporation

Vice-President

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Handwritten signature or scribble