

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0378-PWS-E **TCEQ ID:** RN101266930 **CASE NO.:** 32877

**RESPONDENT NAME:** G & W Water Supply Corporation

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> G &amp; W WSC, 30540 Farm-to-Market 1488, Waller, Grimes County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 6, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, EnforcementTeam 2, MC R-13, (210) 403-4033; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Mr. William F. Robinson, President, G &amp; W Water Supply Corporation, P.O. Box 1219, Waller, Texas 77484-1219  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> February 6, 2007</p> <p><b>Date of NOE Relating to this Case:</b> February 23, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>WATER</b></p> <p>1) Failure to issue boil water notices within 24 hours after the occurrences of chlorine residuals below 0.2 milligrams per liter ("mg/L") [30 TEX. ADMIN. CODE § 290.46(q)(1)].</p> <p>2) Failure to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(2)(A) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>3) Failure to provide emergency power to deliver a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>4) Failure to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>	<p><b>Total Assessed:</b> \$840</p> <p><b>Total Deferred:</b> \$168  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$672</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a) Immediately after the effective date of this Agreed Order, implement procedures to ensure boil water notifications are provided to the customers;</p> <p>b) Within 10 days after the effective date of this Agreed Order, begin maintaining a free chlorine residual of 0.2 mg/L throughout the distribution system;</p> <p>c) Within 15 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision e. and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.;</p> <p>d) Within 90 days after the effective date of this Agreed Order:</p> <p style="padding-left: 20px;">i. Provide an elevated storage capacity of 100 gallons per connection or pressure tank capacity of 20 gallons per connection; and</p> <p style="padding-left: 20px;">ii. Provide emergency power that will deliver a minimum of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply.</p> <p>e) Within 105 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d. The certification shall be notarized by a State of Texas Notary Public.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	26-Feb-2007	<b>Screening</b>	8-Mar-2007	<b>EPA Due</b>	
	<b>PCW</b>	8-Mar-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	G & W Water Supply Corporation
<b>Reg. Ent. Ref. No.</b>	RN101266930
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	32877	<b>No. of Violations</b>	4
<b>Docket No.</b>	2007-0378-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Epifanio Villarreal
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$800</b>
---	-------------------	--------------

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	5% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$40</b>
---------------------------	----------------	--------------------------------	-------------

Notes: The penalty enhancement is due to one prior Notice of Violation containing a violation that is the same as or similar to the violations in the current enforcement action.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
--------------------	----	----------------	-------------------	------------

Notes: The respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
------------------------------------	--------------	-------------------	------------

Before NOV      NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The respondent does not meet the good faith criteria.

<b>0% Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$2,494	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$17,500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$840</b>
-----------------------------	-----------------------	--------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	<b>\$0</b>
---	--	-------------------	------------

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

Notes

--

<b>Final Penalty Amount</b>	<b>\$840</b>
-----------------------------	--------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$840</b>
-----------------------------------	-------------------------------	--------------

<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	<b>-\$168</b>
-----------------	---------------	-------------------	---------------

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

Notes

Deferral offered for expedited settlement.
--

<b>PAYABLE PENALTY</b>	<b>\$672</b>
------------------------	--------------

Screening Date 8-Mar-2007

Docket No. 2007-0378-PWS-E

PCW

Respondent G & W Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32877

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266930

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

### 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 judgments 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 penalty enhancement is due to one prior Notice of Violation containing a violation that is the same as or similar to the violations in the current enforcement action.

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

Screening Date 8-Mar-2007

Docket No. 2007-0378-PWS-E

PCW

Respondent G & W Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32877

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266930

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description Failed to issue boil water notices within 24 hours after the occurrences of chlorine residuals below 0.2 milligrams per liter ("mg/L"). Specifically, at the time of the investigation, the chlorine monitoring logs showed chlorine residuals of 0.12 mg/L at the Grimes County test site and 0.17 mg/L at the Woodland Lakes test site on December 1, 2006, and less than 0.20 mg/L of free chlorine for the Grimes County distribution tests taken from December 14-16, 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

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

Violation Base Penalty

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** G & W Water Supply Corporation  
**Case ID No.** 32877  
**Reg. Ent. Reference No.** RN101266930  
**Media** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				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

### 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]	\$500	1-Dec-2006	14-Dec-2006	0.0	\$0	\$500	\$500
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary to provide all customers of the water supply with a boil water notice, calculated for the low chlorine residual occurrences.

Approx. Cost of Compliance	\$500	<b>TOTAL</b>	\$500
----------------------------	-------	--------------	-------

Screening Date 8-Mar-2007

Docket No. 2007-0378-PWS-E

PCW

Respondent G & W Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32877

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266930

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(d)(2)(A) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system at all times. Specifically, at the time of the investigation, the chlorine monitoring logs showed chlorine residuals of 0.12 mg/L at the Grimes County test site and 0.17 mg/L at the Woodland Lakes test site on December 1, 2006, and less than 0.20 mg/L for the Grimes County distribution tests taken from December 14-16, 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			4 Percent	10%
	Major	Moderate	Minor		
Actual					
Potential		x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes If the water supply does not maintain proper levels of disinfection, customers of the water supply could be 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 4 30 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$400

Four single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,080

Violation Final Penalty Total \$420

This violation Final Assessed Penalty (adjusted for limits) \$420

## Economic Benefit Worksheet

**Respondent** G & W Water Supply Corporation  
**Case ID No.** 32877  
**Reg. Ent. Reference No.** RN101266930  
**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
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

### 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)	\$1,000	6-Feb-2007	10-Oct-2007	1.6	\$80	\$1,000	\$1,080

Notes for AVOIDED costs

The avoided cost includes the amount to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system, calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,080

Screening Date 8-Mar-2007

Docket No. 2007-0378-PWS-E

PCW

Respondent G & W Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32877

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266930

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(v) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide emergency power to deliver a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply. Specifically, at the time of the investigation, the investigator noted that well number 1 has emergency power and delivers 140 gpm. However, the system requires 182 gpm to provide 0.35 gpm per connection, which is 23% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without adequate emergency power, customers of the water supply could experience water shortages and the system's ability to provide a safe and reliable water supply could be compromised.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

30 Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, February 6, 2007 to the date of screening, March 8, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$105

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

## Economic Benefit Worksheet

**Respondent:** G & W Water Supply Corporation  
**Case ID No.:** 32877  
**Reg. Ent. Reference No.:** RN101266930  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	6-Feb-2007	1-Dec-2007	0.8	\$3	\$54	\$57
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 cost includes the amount to provide provisions for adequate emergency power, 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

Approx. Cost of Compliance

\$1,000

TOTAL

\$57

Screening Date 8-Mar-2007

Docket No. 2007-0378-PWS-E

PCW

Respondent G & W Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32877

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101266930

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

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 an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, at the time of the investigation, no pressure tank was observed and the elevated total storage capacity was 36,000 gallons and is required to provide 52,000 gallons, which is 31% deficient.

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

Without sufficient elevated storage capacity, customers of the water system could experience low pressure and water outages, and the system's ability to provide a safe and adequate supply of water to the customers could be impaired.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 30

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

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, February 6, 2007, to the date of screening, March 8, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$857

Violation Final Penalty Total \$105

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

## Economic Benefit Worksheet

**Respondent** G & W Water Supply Corporation  
**Case ID No.** 32877  
**Reg. Ent. Reference No.** RN101266930  
**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
No commas or \$							

### Delayed Costs

Equipment	\$15,000	6-Feb-2007	1-Dec-2007	0.8	\$41	\$816	\$857
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

The delayed cost includes the amount to provide an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, 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

Approx. Cost of Compliance

\$15,000

**TOTAL**

\$857

# Compliance History

Customer/Respondent/Owner-Operator:	CN600695837	G & W Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101266930	G & W WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE		0930048 0930048
Location:	30540 FM 1488, WALLER, TX			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	March 08, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 08, 2002 to March 08, 2007			

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

Name: Epifanio Villarreal Phone: 210-403-4033

### 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 judgements, 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. (CEEDS Inv. Track. No.)
 

11/28/2006	(518232)
02/19/2007	(535722)
- E. Written notices of violations (NOV). (CEEDS Inv. Track. No.)
 

Date: 12/01/2006	(518232)	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 288, SubChapter C 288.30(5)(B)	
Description:	Failure to provide a copy of an adopted drought contingency plan.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)	
Description:	Failure to monitor the disinfectant residual at least once every day as required.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)	
Description:	Failure to keep a plant operations manual.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)	
Description:	Failure to calibrate flow measuring devices that are required by §290.41(c)(3)(N) of this title.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(v)	
Description:	Failure to provide emergency power to deliver water at a rate of 0.35 gallons per minute	

per connection to the distribution system in the event of the loss of normal power supply.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D)  
Description: Failure to insure that pastured livestock are prohibited from within 50 ft of a public drinking supply well.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to maintain the system facilities to insure the good working condition and general appearance of the system's facilities and equipment.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)  
Description: Failure to provide adequate elevated storage capacity.

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  
G & W WATER SUPPLY  
CORPORATION  
RN101266930**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2007-0378-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 G & W Water Supply Corporation ("G & W WSC") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and G & W WSC appear before the Commission and together stipulate that:

1. G & W WSC owns and operates a public water supply at 30540 Farm-to-Market 1488, in Waller, Grimes County, Texas (the "Facility") that has approximately 520 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and G & W WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that G & W WSC is subject to the Commission's jurisdiction.
3. G & W WSC received notice of the violations alleged in Section II ("Allegations") on or about February 28, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by G & W WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Eight Hundred Forty Dollars (\$840) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). G & W WSC has paid Six Hundred Seventy-Two Dollars (\$672) of the administrative penalty and One Hundred Sixty-Eight Dollars (\$168) is deferred contingent upon G & W 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 G & W WSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require G & W 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 G & W 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 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 G & W WSC has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. 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 and operator of the Facility, G & W WSC is alleged to have:

1. Failed to issue boil water notices within 24 hours after the occurrences of chlorine residuals below 0.2 milligrams per liter ("mg/L"), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1), as documented during a record review conducted on February 6, 2007.
2. Failed to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on February 6, 2007.
3. Failed to provide emergency power to deliver a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on February 6, 2007.
4. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on February 6, 2007.



### III. DENIALS

G & W WSC generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that G & W WSC pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and G & W 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: G & W Water Supply Corporation, Docket No. 2007-0378-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 G & W WSC shall undertake the following technical requirements:
  - a. Immediately after the effective date of this Agreed Order, implement procedures to ensure boil water notifications are provided to the customers, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - b. Within 10 days after the effective date of this Agreed Order, begin maintaining a free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - c. Within 15 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and b; and
  - d. Within 90 days after the effective date of this Agreed Order:
    - i. Provide an elevated storage capacity of 100 gallons per connection or pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
    - ii. Provide emergency power that will deliver a minimum of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply, in accordance with 30 TEX. ADMIN. CODE § 290.45.



receipts, and/or other records to demonstrate compliance with Ordering Provision 2.d. 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 G & W WSC. G & W 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 G & W WSC shall be made in writing to the Executive Director. Extensions are not effective until G & W 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 G & W 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.

The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

Furthermore, it highlights the role of internal controls in preventing fraud and ensuring the integrity of the financial statements. The document also mentions the importance of regular audits and reviews to identify any potential issues or discrepancies.

In conclusion, the document stresses the significance of adhering to established financial reporting standards and practices. It encourages organizations to foster a culture of honesty and ethical behavior in their financial operations.

The second part of the document provides a detailed overview of the company's financial performance over the past year. It includes a comprehensive analysis of the income statement, balance sheet, and cash flow statement, along with key financial ratios and trends.

The analysis shows that the company has achieved a steady increase in revenue and profit over the period, despite facing some challenges in certain markets. The document also discusses the company's financial position and its ability to meet its obligations and invest in future growth.

Overall, the document provides a clear and concise summary of the company's financial health and performance. It serves as a valuable tool for stakeholders to understand the company's financial situation and make informed decisions.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to G & W WSC, or three days after the date on which the Commission mails notice of the Order to G & W WSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



G & W Water Supply Corporation  
DOCKET NO. 2007-0378-PWS-E  
Page 6

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Johanna Szollosi*  
For the Executive Director

8/31/07  
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]*  
Signature

June 8, 2007  
Date

William F. Robinson  
Name (Printed or typed)  
Authorized Representative of  
G & W Water Supply Corporation

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.

