

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0046-PWS-E **TCEQ ID:** RN102684966, RN102687381, RN101281632, and
RN101285989 **CASE NO.:** 35179

RESPONDENT NAME: The Consolidated 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: Farm-to-Market ("FM") Road 2712 System (RN102684966), located south of the intersection of Loop 304 and FM Road 2712 ("Facility 1"); Plant YPA (RN102687381), Plant Y is located on County Road 2123, Plant P is located on FM Road 229, and Plant A is located on FM Road 2663 ("Facility 2"); Loop 304 System (RN101281632), Plant X is located on Highway 287, Plant T is located on FM Road 2110, and Plant V is located on FM Road 229 ("Facility 3"); and FM 228 System (RN101285989), Plant B is located at the intersection of FM Road 228 and County Road 1855 and Plant S is located on County Road 1890 ("Facility 4"), Houston County.</p> <p>TYPE OF OPERATION: Public water supplies</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 these facility locations.</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 15, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5610; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Johnny Babb, President, The Consolidated Water Supply Corporation, P.O. Box 1035, Latexo, Texas 75849 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: November 6 through 8, 2007 and January 16 through 22, 2008</p> <p>Date of NOV/NOE Relating to this Case: December 5, 2007, December 31, 2007, and February 19, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Facility 1</p> <p>a. Failure to provide a purchase water contract that authorizes a maximum daily purchase rate, or a uniform purchase rate to meet a minimum production capacity of 2.0 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(f)(5)].</p> <p>b. Failure to maintain the residual disinfectant concentration in the water of at least 0.5 milligrams per liter ("mg/L") of chloramine throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>c. Failure to maintain complete records of the dates dead-end mains were flushed [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iv)].</p> <p>2) Facility 2</p> <p>a. Failure to provide a minimum production capacity of 0.6 gpm per connection for a purchase water system [30 TEX. ADMIN. CODE § 290.45(f)(4)].</p> <p>b. Failure to provide a pressure tank capacity of 20 gallons per connection at Plant Y [30 TEX. ADMIN. CODE §§ 290.45(b)(1)(D)(iv) and 290.45(f)(7), and TEX. HEALTH &</p>	<p>Total Assessed: \$16,956</p> <p>Total Deferred: \$3,391 <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: \$13,565</p> <p>RN102684966, RN102687381, RN101281632, and RN101285989</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facilities:</p> <p>a. On May 27, 2008, submitted a letter containing a water contract with the City of Crockett that established a maximum daily purchase rate that meets the production capacity for Facility 1;</p> <p>b. On May 27, 2008, submitted a letter containing documentation that the leak was repaired on the discharge piping coming from the well at Plant B in Facility 4; and</p> <p>c. On May 27, 2008, submitted a letter containing documentation that the chloramine residual disinfectant concentration is at a minimum of 0.5 mg/L throughout the distribution system at all times at Facility 2 as of December 5, 2007.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin maintaining a chloramine residual disinfectant concentration at a minimum of 0.5 mg/L throughout the distribution system at all times at Facility 1;</p> <p>ii. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system on a daily basis at Facilities 2, 3, and 4;</p> <p>iii. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to maintaining complete records of the dates that the dead-end mains were flushed at Facilities 1, 2, 3, and 4; and</p> <p>iv. Begin maintaining daily records of water work operations such that these reports are available for Commission</p>

<p>SAFETY CODE § 341.0315(c)].</p> <p>c. Failure to maintain complete records of the dates dead-end mains were flushed [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iv)].</p> <p>d. Failure to monitor the disinfectant residual at representative locations in the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(4)(B)].</p> <p>e. Failure to maintain the residual disinfectant concentration in the water of at least 0.5 mg/L of chloramine throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>f. Failure to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>g. Failure to house gas chlorination equipment and cylinders in a separate building or room with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities [30 TEX. ADMIN. CODE § 290.42(e)(4)(B)].</p> <p>h. Failure to provide a purchase water contract that authorizes a maximum daily purchase rate, or a uniform purchase rate to meet a minimum production capacity of 2.0 gpm per connection under direct pressure [30 TEX. ADMIN. CODE § 290.45(f)(5)].</p> <p>3) Facility 3</p> <p>a. Failure to provide a minimum production capacity of 0.6 gpm for a purchase water system [30 TEX. ADMIN. CODE § 290.45(f)(4)].</p> <p>b. Failure to provide a pressure tank capacity of 20 gallons per connection at Plant X [30 TEX. ADMIN. CODE §§ 290.45(b)(1)(D)(iv) and 290.45(f)(7) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>c. Failure to maintain complete records of the dates dead-end mains were flushed [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iv)].</p> <p>d. Failure to provide a properly constructed intruder-resistant fence in order to protect the system's facilities [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>e. Failure to monitor the disinfectant residual</p>		<p>personnel at the time of investigations at Facility 4.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a;</p> <p>ii. Repair the intruder-resistant fence at Plant V in Facility 3; and</p> <p>iii. Refurbish the service pump at Plant T in Facility 3 so that there are no signs of corrosion.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions b.ii and b.iii;</p> <p>ii. House the chlorination equipment and chlorine cylinders in a separate building or room with impervious walls or partitions separating all electrical and mechanical equipment at Facility 2; and</p> <p>iii. Develop and begin maintaining an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies at Facility 2.</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 Provisions c.ii and c.iii.</p> <p>e. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection at Facilities 2 and 4;</p> <p>ii. Obtain a water purchase contract that establishes a maximum daily purchase, or a uniform purchase rate to meet a minimum production capacity of 0.6 gpm per connection at Facility 4; and</p> <p>iii. Provide two or more service pumps</p>
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<p>at representative locations in the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(4)(B)].</p> <p>f. Failure to initiate maintenance and housekeeping practices 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>4) Facility 4</p> <p>a. Failure to provide a minimum production capacity of 0.6 gpm per connection for a purchase water system [30 TEX. ADMIN. CODE § 290.45(f)(4)].</p> <p>b. Failure to provide a pressure tank capacity of 20 gallons per connection at Plant B [30 TEX. ADMIN. CODE §§ 290.45(b)(1)(D)(iv) and 290.45(f)(7) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>c. Failure to maintain complete records of the dates dead-end mains were flushed [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iv)].</p> <p>d. Failure to monitor the disinfectant residual at representative locations in the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(5)(B)].</p> <p>e. Failure to maintain the water system and all related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>f. Failure to maintain all water works operation records for at least two years [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(II) and (ii)(II)].</p> <p>g. Failure to provide two or more service pumps with a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>		<p>with a total capacity of 2.0 gpm per connection for the 282 connections at Plant S in Facility 4.</p> <p>f. Within 105 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 Provisions e.i through e.iii.</p> <p>g. Within 365 days after the effective date of this Agreed Order:</p> <p>i. Obtain a water purchase contract that establishes a maximum daily purchase, or a uniform purchase rate to meet a minimum production capacity of 2.0 gpm per connection for the connections that receive water under direct pressure and 0.6 gpm per connection for the connections with storage tanks at Facilities 2 and 3; and</p> <p>ii. Provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection at Facility 3.</p> <p>h. Within 380 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 g.</p>
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Additional ID No(s): PWS ID Nos. 1130028, 1130039, 1130012, 1130031



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	7-Jan-2008	Screening	15-Jan-2008	EPA Due	
	PCW	29-Jan-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Consolidated Water Supply Corporation (YPA Plant)
Reg. Ent. Ref. No.	RN102687381
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35179	No. of Violations	8
Docket No.	2008-0046-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Christopher Keffer
Multi-Media		EC's Team	Enforcement Team 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 Enhancement Subtotals 2, 3, & 7

Notes: Enhancement is due to two same or similar NOV's as those in the current enforcement action.

Culpability Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 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	<input checked="" type="checkbox"/>	(mark with x)

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

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

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended adjustment to capture the avoided cost associated with the violations.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102687381

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

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 <i>(number of NOVs meeting criteria)</i>	2	10%
	Other written NOVs		0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
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)

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3)

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Enhancement is due to two same or similar NOVs as those in the current enforcement action.

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

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102687381

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
<input type="text" value="Failing to provide adequate production capacity, customers of the water supply could experience low pressure which could expose customers to a significant amount of contaminants that exceed levels protective of human health."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

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 The Consolidated Water Supply Corporation (YPA Plant)
Case ID No. 35179
Reg. Ent. Reference No. RN102687381
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	6-Nov-2007	1-Feb-2009	1.2	\$6	\$124	\$130
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 meet the authorized daily purchase rate of 0.6 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$1,500 **TOTAL** \$130

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102687381

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.45(b)(1)(D)(iv) and 290.45(f)(7) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a pressure tank capacity of 20 gallons per connection at the pressure plane served by Plant Y. Specifically, at the time of the investigation it was documented that Plant Y was providing a pressure tank capacity of 6,200 gallons. Based on the number of connections in this pressure plane, the system is required to provide a pressure tank capacity of 10,420 gallons, which is approximately 40% deficient.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to provide adequate pressure tank capacity may result in low water pressure and loss of tank integrity resulting in water with a significant amount of contaminants that would not exceed levels protective of human health being distributed for human consumption.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

One quarterly event is recommended from the date of the investigation, November 6, 2007 to the date of screening, January 15, 2008.

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 The Consolidated Water Supply Corporation (YPA Plant)
Case ID No. 35179
Reg. Ent. Reference No. RN102687381
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	\$5,000	6-Nov-2007	1-Feb-2009	1.2	\$21	\$414	\$434
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: Estimated cost to provide adequate pressure tank capacity. Date required is the investigation date. Final date is 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	\$5,000	TOTAL	\$434
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Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102687381

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Failed to maintain complete records of the dates dead-end mains were flushed. Specifically, at the time of the investigation, it was documented that the water system failed to record dates that all the dead-end mains were flushed for the valves that are not used as a sample site.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>

Percent

Matrix Notes

The Respondent failed to comply with approximately 30% of the rule requirements.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	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

One single event is recommended.

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 The Consolidated Water Supply Corporation (YPA Plant)

Case ID No. 35179

Reg. Ent. Reference No. RN102687381

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
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	\$50	6-Nov-2007	1-Nov-2008	1.0	\$2	n/a	\$2
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 cost to maintain complete records for the dates the dead-end mains were flushed, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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 TOTAL

\$50		\$2
------	--	-----

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102687381

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.110(c)(4)(B)

Violation Description

Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, at the time of the investigation, it was documented that the water system was not monitoring the disinfectant residuals on weekends and holidays.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to conduct daily chlorine residual tests could result in improper disinfection or treatment of water and expose the public to significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

Three monthly events are recommended from the date of the investigation, November 6, 2007, to the date of screening, January 15, 2008.

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 The Consolidated Water Supply Corporation (YPA Plant)
Case ID No. 35179
Reg. Ent. Reference No. RN102687381
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				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]	\$100	6-Nov-2007	15-Jan-2008	1.1	\$6	\$100	\$106
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost to conduct daily monitoring of the chlorine residual, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$100

TOTAL \$106

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102687381

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to maintain the residual disinfectant concentration in the water of at least 0.5 milligrams per liter ("mg/L") of chloramine throughout the distribution system at all times. Specifically, a field test conducted on November 6, 2007 at 2452 CR 2022 recorded a chloramine residual of 0.08 mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

If the water supply does not maintain proper levels of disinfection, bacteria may form in the water exposing the public to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 70

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

Violation Base Penalty \$250

One quarterly event is recommended, from the date of the investigation, November 6, 2007, to the date of screening, January 15, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$282

This violation Final Assessed Penalty (adjusted for limits) \$282

Economic Benefit Worksheet

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Case ID No. 35179

Reg. Ent. Reference No. RN102687381

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				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)	\$100	6-Nov-2007	5-Dec-2007	0.0	\$0	\$100	\$100

Notes for AVOIDED costs

Estimated cost to increase chlorine dosage and ensure the chlorine equipment is being operated to maintain adequate chlorine residual, calculated from the investigation date to the date of compliance.

Approx. Cost of Compliance

\$100

TOTAL

\$100

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102687381

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies. Specifically, at the time of the investigation, it was documented that the distribution system map did not contain all areas of the distribution system served by the water system.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	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

One single event is recommended.

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 The Consolidated Water Supply Corporation (YPA Plant)

Case ID No. 35179

Reg. Ent. Reference No. RN102687381

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				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	6-Nov-2007	1-Jan-2009	1.2	\$29	n/a	\$29
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 begin maintaining a complete up-to-date map of the distribution system, 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

\$500

TOTAL

\$29

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102687381

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.42(e)(4)(B)

Violation Description

Failed to house gas chlorination equipment and cylinders in a separate building or room with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities. Specifically, at the time of the investigation, it was documented that the chlorination equipment was installed in the same building as the mechanical and electrical equipment at Plant P.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Equipment may cause mechanical and electrical failure due to the corrosive nature of chlorine gas which would expose the water supply to significant amounts of contaminants that would exceed levels protective of human health.

Adjustment

Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

Three monthly events are recommended, calculated from the date of the investigation, November 6, 2007, to the screening date, January 15, 2008.

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 The Consolidated Water Supply Corporation (YPA Plant)

Case ID No. 35179

Reg. Ent. Reference No. RN102687381

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	\$1,500	6-Nov-2007	1-Jan-2009	1.2	\$6	\$116	\$121
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 proper housing for the gas chlorination equipment and cylinders at Plant P. The date required is the investigation date. The final date is 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

\$1,500

TOTAL

\$121

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102687381

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.45(f)(5)

Violation Description

Failed to provide a minimum production capacity of 2.0 gallons per minute ("gpm") per connection for a purchase water system under direct pressure. Specifically, at the time of the investigation, it was documented that the system provides for 27 connections that receive water under direct pressure which requires a production capacity of 54 gpm. The system receives 24 gpm through a purchase water contract that provides water divided among four systems. The system is 54% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to provide adequate production capacity, customers of the water supply could experience low pressure and exposing customers to a significant amount of contaminants that exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

3

70 Number of violation days

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

Violation Base Penalty \$1,500

Three monthly events are recommended from the date of the investigation, November 6, 2007, to the date of screening, January 15, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$130

Violation Final Penalty Total \$1,694

This violation Final Assessed Penalty (adjusted for limits) \$1,694

Economic Benefit Worksheet

Respondent The Consolidated Water Supply Corporation (YPA Plant)

Case ID No. 35179

Reg. Ent. Reference No. RN102687381

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)	\$1,500	6-Nov-2007	1-Feb-2009	1.2	\$6	\$124	\$130
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 meet the authorized daily purchase rate of 2.0 gpm 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

\$1,500

TOTAL

\$130

Compliance History

Customer/Respondent/Owner-Operator:	CN601362544	The Consolidated Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN102687381	CONSOLIDATED WSC PLANT Y P A	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1130012
	WATER LICENSING	LICENSE		1130012
Location:	Plant Y is located on County Road 2123, Plant P is located on Farm-to-Market Road 229, and Plant A is located on Farm-to-Market Road 2663, Houston County			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	January 11, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 11, 2003 to January 11, 2008			

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

Name: Christopher Keffer Phone: (512) 239-5610

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. (CCEDS Inv. Track. No.)
- | | | | |
|---|------------|----------|--|
| 1 | 04/08/2003 | (26485) | |
| 2 | 01/27/2004 | (260500) | |
| 3 | 05/24/2005 | (380077) | |
| 4 | 08/18/2006 | (488841) | |
| 5 | 01/04/2008 | (573609) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|--------------------------|
| Date: | 04/08/2003 | (26485) | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(k) | | |
| Description: | Failure to compile and maintain current a thorough plant operations manual for operator review and reference. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f) | | |
| Description: | Inadequate maintenance of required data. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m) | | |
| Description: | A minor leak was noted on one of the two service pumps. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii) | | |
| Description: | Failure to provide the TCEQ minimum capacity requirements for service pumps. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(1) | | |
| | 30 TAC Chapter 290, SubChapter F 290.121 | | |
| Description: | Failure to provide an adequate sampling site plan. | | |
| Date: | 05/24/2005 | (380077) | |

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(4)
30 TAC Chapter 290, SubChapter D 290.45(f)(5)
Description: Failure to obtain a purchase water contract that meets 0.6 gpm per connection and 2.0
gpm per connection under direct pressure.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)
30 TAC Chapter 290, SubChapter D 290.45(f)(7)
Description: Failure to provide a pressure tank capacity of 20 gallons per connection.

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision February 29, 2008

DATES	Assigned	25-Feb-2008		
	PCW	6-Mar-2008	Screening	3-Mar-2008
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	The Consolidated Water Supply Corporation (FM 228 System)
Reg. Ent. Ref. No.	RN101285989
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35179	No. of Violations	7
Docket No.	2008-0046-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Christopher Keffer
Multi-Media		EC's Team	Enforcement Team 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 Enhancement Subtotals 2, 3, & 7

Notes

Enhancement is due to two same or similar NOV's as those in the current enforcement action.

Culpability Enhancement Subtotal 4

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Reduction Subtotal 5

Before NOV NOV to EDPRP/Settlement Offer

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

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts	\$970	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$12,050	

0% Enhancement* Subtotal 6

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement recommended for recovery of avoided cost of compliance.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 3-Mar-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (FM 228 Sy

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101285989

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

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)	2	10%
	Other written NOVs		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%
<i>Please Enter Yes or No</i>			
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)

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3)

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Enhancement is due to two same or similar NOVs as those in the current enforcement action.

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

Screening Date 3-Mar-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (FM 228 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101285989

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

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 The Consolidated Water Supply Corporation (FM 228 System)

Case ID No. 35179

Reg. Ent. Reference No. RN101285989

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	16-Jan-2008	1-Mar-2009	1.1	\$6	\$112	\$118
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 meet the authorized daily purchase rate of 0.6 gpm 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

\$1,500

TOTAL

\$118

Screening Date 3-Mar-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (FM 228 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101285989

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and 290.45(f)(7) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a pressure tank capacity of 20 gallons per connection at the distribution system served by Plant B. Specifically, at the time of the investigation it was documented that Plant B was providing a pressure tank capacity of 6,000 gallons. Based on the number of connections in this distribution system, the system is required to provide a pressure tank capacity of 7,160 gallons, which is approximately 16% deficient.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to provide adequate pressure tank capacity may result in low water pressure and loss of tank integrity resulting in water with a significant amount of contaminants that would not exceed levels protective of human health being distributed for human consumption.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

One quarterly event is recommended from the date of the investigation, January 16, 2008 to the date of screening, March 3, 2008.

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 The Consolidated Water Supply Corporation (FM 228 System)

Case ID No. 35179

Reg. Ent. Reference No. RN101285989

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$5,000	16-Jan-2008	3-Mar-2009	1.1	\$19	\$376	\$395
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

Estimated cost to provide adequate pressure tank capacity. Date required is the investigation date. Final date is 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

\$5,000

TOTAL

\$395

Screening Date 3-Mar-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (FM 228 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101285989

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(A)(iv)

Violation Description

Failed to maintain complete records of the dates dead-end mains were flushed. Specifically, at the time of the investigation, it was documented that the water system failed to record dates that all the dead-end mains were flushed for the valves that are not used as a sample site.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>

Percent

Matrix Notes

The Respondent failed to comply with approximately 30% of the rule requirements.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	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

One single event is recommended.

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 The Consolidated Water Supply Corporation (FM 228 System)

Case ID No. 35179

Reg. Ent. Reference No. RN101285989

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
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	\$50	16-Jan-2008	1-Dec-2008	0.9	\$2	n/a	\$2
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 cost to maintain complete records for the dates the dead-end mains were flushed, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$50	TOTAL	\$2
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Screening Date 3-Mar-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (FM 228 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101285989

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.110(c)(4)(B)

Violation Description

Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, at the time of the investigation, it was documented that the water system was not monitoring the disinfectant residuals on weekends and holidays.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to conduct daily chlorine residual tests could result in improper disinfection or treatment of water and expose the public to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

Two monthly events are recommended from the date of the investigation, January 16, 2008, to the date of screening, March 3, 2008.

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 The Consolidated Water Supply Corporation (FM 228 System)

Case ID No. 35179

Reg. Ent. Reference No. RN101285989

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
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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				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]	\$100	16-Jan-2008	3-Mar-2008	1.0	\$5	\$100	\$105
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost to conduct daily monitoring of the chlorine residual, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 3-Mar-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (FM 228 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101285989

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain the water system and all related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that there was a leak on the discharge piping coming from the well at Plant B.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the water system in a watertight condition could expose customers of the water supply to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

47 Number of violation days

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

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the investigation date, January 16, 2008, to the screening date, March 3, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$288

This violation Final Assessed Penalty (adjusted for limits) \$288

Economic Benefit Worksheet

Respondent The Consolidated Water Supply Corporation (FM 228 System)

Case ID No. 35179

Reg. Ent. Reference No. RN101285989

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings	\$100	16-Jan-2008	27-May-2008	0.4	\$0	\$2	\$3
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 costs include the amount to repair or replace the leaking discharge piping coming from the well at Plant B. The date required is the investigation date. The final date is 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

Approx. Cost of Compliance

\$100

TOTAL

\$3

Screening Date 3-Mar-2008 **Docket No.** 2008-0046-PWS-E **PCW**
Respondent The Consolidated Water Supply Corporation (FM 228 System) *Policy Revision 2 (September 2002)*
Case ID No. 35179 *PCW Revision February 29, 2008*

Reg. Ent. Reference No. RN101285989
Media [Statute] Public Water Supply
Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1%"/>

Matrix Notes

Adjustment

Violation Events

Number of violation days

mark only one with an x

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 The Consolidated Water Supply Corporation (FM 228 System)

Case ID No. 35179

Reg. Ent. Reference No. RN101285989

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				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	16-Jan-2008	31-Oct-2008	0.8	\$12	n/a	\$12
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 compile and maintain records. Date required is the date of the investigation. Final date is 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

\$300

TOTAL

\$12

Screening Date 3-Mar-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (FM 228 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101285989

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

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

Violation Description

Failed to provide two or more service pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation it was documented that the system provides 520 gpm for the 282 connections at Plant S. Based on the number of connections, Plant S is required to provide 564 gpm. Therefore, the pressure plane is 8% deficient.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Without adequate pumping capacity, customers of the water supply could experience water shortages and outages, and the system's ability to provide a safe and adequate supply of water could be impaired.

Adjustment

Violation Events

Number of violation days

mark only one with an x	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="text" value="x"/>

Violation Base Penalty

One single event is recommended.

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 The Consolidated Water Supply Corporation (FM 228 System)

Case ID No. 35179

Reg. Ent. Reference No. RN101285989

Media Public Water Supply

Violation No. 7

Percent Interest:	5.0
Years of Depreciation	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)	\$5,000	16-Jan-2008	31-Dec-2008	1.0	\$16	\$320	\$336
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 includes the amount to provide a total capacity of 2.0 gpm per connection for the 282 connections. The date required is the date of the investigation and the final date is 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

\$5,000

TOTAL

\$336

Compliance History

Customer/Respondent/Owner-Operator:	CN601362544 The Consolidated Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101285989 CONSOLIDATED WSC FM 228 SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		1130028
Location:	Plant B is located at the intersection of FM 228 and County Road 1855, Plant M is located at the intersection of FM 296 and County Road 2300, and Plant S is located on County Road 1890, Houston County, Texas		
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	March 03, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 03, 2003 to March 03, 2008		

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

Name: Christopher Keffer Phone: (512) 239-5610

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. (CCEDS Inv. Track. No.)

1	04/09/2003	(26491)
2	02/02/2004	(260536)
3	05/24/2005	(380082)
4	08/23/2006	(488868)
5	02/19/2008	(599963)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	04/09/2003	(26491)		
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)			
Description:	Failure to collect sufficient data on the volume of water treated by the water system.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)			
Description:	Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities and reduce costly repairs due to a lack of proper maintenance.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(k)			
Description:	Failure to provide an adequate Plant Operations Manual.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(d)			
	30 TAC Chapter 290, SubChapter D 290.45(a)			
Description:	Failure to design and maintain a water distribution system to provide at all times a			

minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute at each service outlet or connection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)

Description: Failure to meet this agency's "Minimum Water System Requirements".

Date: 05/24/2005 (380082)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

30 TAC Chapter 290, SubChapter D 290.45(a)

Description: Failure to design and maintain a water distribution system to provide at all times a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute at each service outlet or connection.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(4)

Description: Failure to meet the water production requirement of 0.6 gpm per connection for community systems.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)

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

Description: Failure to provide a pressure tank capacity of 20 gallons per connection.

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	10-Dec-2007	Screening	3-Jan-2008	EPA Due	
	PCW	3-Jan-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	The Consolidated Water Supply Corporation (FM 2712 System)	
Reg. Ent. Ref. No.	RN102684966	
Facility/Site Region	10-Beaumont	Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No.	35179	No. of Violations	3
Docket No.	2008-0046-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Christopher Keffer
Multi-Media		EC's Team	Enforcement Team 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 Enhancement **Subtotals 2, 3, & 7** Notes Culpability Enhancement **Subtotal 4** Notes Good Faith Effort to Comply Reduction **Subtotal 5**

Before NOV NOV to EDPRP/Settlement Offer

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

Notes

Total EB Amounts	\$167	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$1,650	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7 **Final Subtotal** OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes **Final Penalty Amount** STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** DEFERRAL 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 3-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (FM 2712 S

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102684966

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

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)	2	10%
	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%
<i>Please Enter Yes or No</i>			
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)

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3)

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Enhancement is due to two written NOVs with the same or similar violations as those in the current enforcement action.

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

Screening Date 3-Jan-2008	Docket No. 2008-0046-PWS-E																			
Respondent The Consolidated Water Supply Corporation (FM 2712 System)	PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision November 6, 2007</i>																			
Case ID No. 35179																				
Reg. Ent. Reference No. RN102684966																				
Media [Statute] Public Water Supply																				
Enf. Coordinator Christopher Keffer																				
Violation Number <input type="text" value="1"/>																				
Rule Cite(s)	30 Tex. Admin. Code § 290.45(f)(5)																			
Violation Description	Failed to provide a minimum production capacity of 2.0 gallons per minute ("gpm") per connection for a purchased water system. Specifically, at the time of the investigation, it was documented that the system's purchase water contract provides a rate of 16 gpm for this system. Based on the number of connections and water supplied to another public water supply through a wholesale water contract, the system is required to provide a production capacity of at least 132 gpm for this system. Therefore, the system is 88% deficient.																			
Base Penalty	<input type="text" value="\$1,000"/>																			
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td>Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="50%"/></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50%"/>	Potential	x	<input type="text"/>	<input type="text"/>
	Harm																			
Release	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50%"/>																
Potential	x	<input type="text"/>	<input type="text"/>																	
>> Programmatic Matrix																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> </table>		Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>									
	Major	Moderate	Minor																	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																
Matrix Notes	Failing to provide adequate production capacity, customers of the water supply could experience low pressure and water outages exposing customers to a significant amount of contaminants that exceed levels protective of human health.																			
Adjustment	<input type="text" value="\$500"/>																			
\$500																				
Violation Events																				
Number of Violation Events	<input type="text" value="2"/>																			
	<input type="text" value="58"/> Number of violation days																			
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	x	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>							
daily	<input type="text"/>																			
monthly	x																			
quarterly	<input type="text"/>																			
semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	<input type="text"/>																			
Violation Base Penalty	<input type="text" value="\$1,000"/>																			
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Two monthly events are recommended from the date of the investigation, November 6, 2007, to the date of screening, January 3, 2008. </div>																				
Economic Benefit (EB) for this violation																				
Estimated EB Amount	<input type="text" value="\$58"/>																			
Statutory Limit Test																				
Violation Final Penalty Total	<input type="text" value="\$1,174"/>																			
This violation Final Assessed Penalty (adjusted for limits)																				
<input type="text" value="\$1,174"/>																				

Economic Benefit Worksheet

Respondent The Consolidated Water Supply Corporation (FM 2712 System)
Case ID No. 35179
Reg. Ent. Reference No. RN102684966
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	6-Nov-2007	27-May-2008	0.6	\$3	\$56	\$58
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 meet the authorized daily purchase rate of 2.0 gpm per connection, 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

Approx. Cost of Compliance

\$1,500

TOTAL

\$58

Screening Date 3-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (FM 2712 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102684966

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to maintain the residual disinfectant concentration in the water of at least 0.5 milligrams per liter ("mg/L") of chloramine throughout the distribution system at all times. Specifically, the field test conducted on November 6, 2007 at 1470 FM 2712 recorded a chloramine residual of 0.04 mg/L.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

If the water supply does not maintain proper levels of disinfection, bacteria may form in the water exposing the public to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the date of the investigation, November 6, 2007, to the date of screening, January 3, 2008.

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 The Consolidated Water Supply Corporation (FM 2712 System)

Case ID No. 35179

Reg. Ent. Reference No. RN102684966

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)	\$100	6-Nov-2007	3-Jan-2008	1.1	\$5	\$100	\$105

Notes for AVOIDED costs

Estimated cost to increase disinfectant dosage and ensure the disinfectant equipment is being operated to maintain adequate chlorine residual, calculated from the date when the violation occurred.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 3-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (FM 2712 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102684966

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>

Percent

Matrix Notes

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

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 The Consolidated Water Supply Corporation (FM 2712 System)
Case ID No. 35179
Reg. Ent. Reference No. RN102684966
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
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	\$50	6-Nov-2007	1-Mar-2009	1.3	\$3	n/a	\$3
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 maintain complete records for the dates the dead-end mains were flushed, calculated from the date of the investigation to the date of estimated 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

\$50

TOTAL

\$3

Compliance History

Customer/Respondent/Owner-Operator:	CN601362544 The Consolidated Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN102684966 FM 2712 SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1130039
Location:	South of the intersection of Loop 304 and Farm-to-Market Road 2712, Houston County		
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	December 17, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 17, 2002 to December 17, 2007		

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

Name: Christopher Keffer Phone: (512) 239-5610

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)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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. (CCEDS Inv. Track. No.)

1	04/08/2003	(26507)
2	01/27/2004	(260619)
3	05/24/2005	(392569)
4	09/25/2006	(489104)
5	12/06/2007	(599979)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	04/08/2003	(26507)			
Self Report?	NO		Classification:	Moderate	
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)				
Description:	Failure to meet this Agency minimum capacity requirements for well production / purchase rate.				
Date:	05/24/2005	(392569)			
Self Report?	NO		Classification:	Minor	
Citation:	30 TAC Chapter 290, SubChapter D 290.45(f)(5)				
Description:	Failure to obtain a purchase water contract that meets 2.0 gpm per connection.				
- 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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision November 6, 2007

TCEQ

DATES
 Assigned
 PCW Screening EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent
 Reg. Ent. Ref. No.
 Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No.	<input type="text" value="35179"/>	No. of Violations	<input type="text" value="6"/>
Docket No.	<input type="text" value="2008-0046-PWS-E"/>	Order Type	<input type="text" value="1660"/>
Media Program(s)	<input type="text" value="Public Water Supply"/>	Enf. Coordinator	<input type="text" value="Christopher Keffer"/>
Multi-Media	<input type="text"/>	EC's Team	<input type="text" value="Enforcement Team 2"/>
Admin. Penalty \$ Limit Minimum	<input type="text" value="\$50"/>	Maximum	<input type="text" value="\$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 Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

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

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL 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 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (Loop 304 E

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101281632

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

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)	2	10%
	Other written NOVs		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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement is due to two NOVs with the same or similar violations as those in the current enforcement action.

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

Screening Date 15-Jan-2008 **Docket No.** 2008-0046-PWS-E **PCW**
Respondent The Consolidated Water Supply Corporation (Loop 304 System) *Policy Revision 7 (September 2002)*
Case ID No. 35179 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101281632
Media [Statute] Public Water Supply
Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

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 The Consolidated Water Supply Corporation (Loop 304 System)
Case ID No. 35179
Reg. Ent. Reference No. RN101281632
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	6-Nov-2007	1-Feb-2009	1.2	\$6	\$124	\$130
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 meet the authorized daily purchase rate of 0.6 gpm per connection, calculated from the investigation date to the date of estimated 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

\$1,500

TOTAL

\$130

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (Loop 304 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101281632

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.45(b)(1)(D)(iv) and 290.45(f)(7) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a pressure tank capacity of 20 gallons per connection at Plant X. Specifically, at the time of the investigation, it was documented that the system was providing a pressure tank capacity of 500 gallons. Based on the number of connections in this pressure plane, the system is required to provide a pressure tank capacity of 6,520 gallons, which is 92% deficient.

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"/>	<input type="text" value="50%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Failure to provide adequate pressure tank capacity may result in low water pressure and loss of tank integrity resulting in a significant amount of contaminants that would exceed levels protective of human health being distributed for human consumption.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Three monthly events is recommended from the date of the investigation, November 6, 2007, to the screening date, January 15, 2008.

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 The Consolidated Water Supply Corporation (Loop 304 System)
Case ID No. 35179
Reg. Ent. Reference No. RN101281632
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	\$5,000	6-Nov-2007	1-Sep-2009	1.8	\$30	\$807	\$638
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: Estimated cost to provide adequate pressure tank capacity. Date required is the investigation date. Final date is 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	\$5,000	TOTAL	\$638
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Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (Loop 304 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101281632

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

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 The Consolidated Water Supply Corporation (Loop 304 System)
Case ID No. 35179
Reg. Ent. Reference No. RN101281632
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
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	\$50	6-Nov-2007	1-Nov-2008	1.0	\$2	n/a	\$2
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 maintain complete records for the dates the dead-end mains were flushed, 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 \$50

TOTAL \$2

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (Loop 304 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101281632

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Percent

>> Programmatic Matrix

OR	Falsification	Harm		
		Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>

Violation Base Penalty

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 The Consolidated Water Supply Corporation (Loop 304 System)
Case ID No. 35179
Reg. Ent. Reference No. RN101281632
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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$250	6-Nov-2007	1-Dec-2008	1.1	\$1	\$18	\$19
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 repair the broken barbed wire on the intruder-resistant fence around Plant V, 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 \$250 TOTAL \$19

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (Loop 304 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101281632

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, at the time of the investigation, it was documented that the water system was not monitoring the disinfectant residuals on weekends and holidays.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to conduct daily chlorine residual tests could result in improper disinfection or treatment of water and expose the public to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Three monthly events are recommended from the date of the investigation, November 6, 2007, to the date of screening, January 15, 2008.

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 The Consolidated Water Supply Corporation (Loop 304 System)

Case ID No. 35179

Reg. Ent. Reference No. RN101281632

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
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]	\$100	6-Nov-2007	15-Jan-2008	1.1	\$6	\$100	\$106
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost to conduct daily monitoring of the chlorine residual, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$100

TOTAL

\$106

Screening Date 15-Jan-2008

Docket No. 2008-0046-PWS-E

PCW

Respondent The Consolidated Water Supply Corporation (Loop 304 System)

Policy Revision 2 (September 2002)

Case ID No. 35179

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101281632

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix	Notes	Falsification	Harm			Percent
			Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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 The Consolidated Water Supply Corporation (Loop 304 System)

Case ID No. 35179

Reg. Ent. Reference No. RN101281632

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$250	6-Nov-2007	1-Feb-2009	1.2	\$1	\$21	\$22
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 repair the visible corrosion on the service pump at Plant T, 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)

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

\$250

TOTAL

\$22

30 TAC Chapter 290, SubChapter D 290.45(f)(7)
Failure to provide a pressure tank capacity of 20 gallons per connection.

Description:

- 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

Water Contract	PWS ID	RN	System Name	Connections	Needed Contract	Actual Contract	Deficiency
<i>City of Crockett</i>					284.6 gpm	34 gpm	
	1130038			49 @ 2.0 91 @ 0.6	98 gpm 54.6 gpm	11.6 gpm 6.6 gpm	88% 88%
<i>Facility 1</i>	1130039	RN102684966	FM 2712	66 @ 2.0	132 gpm	15.8 gpm	88%
<i>Houston County WCID</i>					1388 gpm	639 gpm	
<i>Facility 2</i>	1130012	RN102687381	YPA System	27 @ 2.0 794 @ 0.6	54 gpm 476 gpm	24.3 gpm 218.7 gpm	55% 54%
	1130030			266 @ 0.6	160 gpm	77 gpm	52%
<i>Facility 3</i>	1130031	RN101281632	Loop 304 System	552 @ 0.6	331 gpm	153 gpm	54%
	1130032			183 @ 2.0	366 gpm	166	55%
<i>City of Grapeland</i>						57 gpm	
<i>Facility 4</i>	1130028	RN101285989	FM 228 System	640 @ 0.6	384 gpm	285 gpm (228 gpm provided by wells at facility 4)	27%

The items in Bold are the entities in the Agreed Order. 2.0 gpm are for direct pressure lines and 0.6 gpm are for the lines fed by pressurized storage tanks.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE CONSOLIDATED WATER
SUPPLY CORPORATION
RN102684966, RN102687381,
RN101281632, RN101285989

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0046-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 The Consolidated Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates the following public water supply facilities (the "Facilities") which serve at least 25 people per day for at least 60 days per year:
 - a. FM 2712 System (RN102684966), located south of the intersection of Loop 304 and Farm-to-Market ("FM") Road 2712, Houston County, Texas; the system has approximately 66 service connections ("Facility 1");
 - b. Plant YPA (RN102687381), Plant Y is located on County Road 2123, Plant P is located on FM Road 229, and Plant A is located on FM Road 2663, Houston County, Texas; the system has approximately 798 connections ("Facility 2");
 - c. Loop 304 System (RN101281632), Plant X is located on Highway 287, Plant T is located on FM Road 2110, and Plant V is located on FM Road 229, Houston County, Texas; the system has approximately 551 connections ("Facility 3"); and

- d. FM 228 System (RN101285989), Plant B is located at the intersection of FM Road 228 and County Road 1855 and Plant S is located on County Road 1890, Houston County, Texas; the system has approximately 640 connections ("Facility 4").
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about December 10, 2007, January 4, 2008, and February 24, 2008.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Sixteen Thousand Nine Hundred Fifty-Six Dollars (\$16,956) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirteen Thousand Five Hundred Sixty-Five Dollars (\$13,565) of the administrative penalty and Three Thousand Three Hundred Ninety-One Dollars (\$3,391) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent 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 the Respondent has implemented the following corrective measures at the Facilities:
 - a. On May 27, 2008, submitted a letter containing a water contract with the City of Crockett that established a maximum daily purchase rate that meets the production capacity for Facility 1;
 - b. On May 27, 2008, submitted a letter containing documentation that the leak was repaired on the discharge piping coming from the well at Plant B in Facility 4; and
 - c. On May 27, 2008, submitted a letter containing documentation that the chloramine residual disinfectant concentration is at a minimum of 0.5 mg/L throughout the distribution system at all times at Facility 2 as of December 5, 2007.
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 the Respondent 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

1. As owner and operator of Facility 1, the Respondent is alleged to have:
 - a. Failed to provide a purchase water contract that authorizes a maximum daily purchase rate, or a uniform purchase rate to meet a minimum production capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(5), as documented during an investigation conducted November 6 through November 8, 2007;
 - b. Failed to maintain the residual disinfectant concentration in the water of at least 0.5 milligrams per liter ("mg/L") of chloramine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted November 6 through November 8, 2007; and
 - c. Failed to maintain complete records of the dates dead-end mains were flushed, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iv), as documented during an investigation conducted November 6 through November 8, 2007.
2. As owner and operator of Facility 2, the Respondent is alleged to have:
 - a. Failed to provide a minimum production capacity of 0.6 gpm per connection for a purchase water system, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(4), as documented during an investigation conducted November 6 through November 8, 2007;
 - b. Failed to provide a pressure tank capacity of 20 gallons per connection at Plant Y, in violation of 30 TEX. ADMIN. CODE §§ 290.45(b)(1)(D)(iv) and 290.45(f)(7), and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted November 6 through November 8, 2007;
 - c. Failed to maintain complete records of the dates dead-end mains were flushed, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iv), as documented during an investigation conducted November 6 through November 8, 2007;
 - d. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B), as documented during an investigation conducted November 6 through November 8, 2007;
 - e. Failed to maintain the residual disinfectant concentration in the water of at least 0.5 mg/L of chloramine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted November 6 through November 8, 2007;

- f. Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during an investigation conducted November 6 through November 8, 2007;
 - g. Failed to house gas chlorination equipment and cylinders in a separate building or room with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B), as documented during an investigation conducted November 6 through November 8, 2007; and
 - h. Failed to provide a purchase water contract that authorizes a maximum daily purchase rate, or a uniform purchase rate to meet a minimum production capacity of 2.0 gpm per connection under direct pressure, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(5), as documented during an investigation conducted November 6 through November 8, 2007.
3. As owner and operator of Facility 3, the Respondent is alleged to have:
- a. Failed to provide a minimum production capacity of 0.6 gpm for a purchase water system, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(4), as documented during an investigation conducted November 6 through November 8, 2007;
 - b. Failed to provide a pressure tank capacity of 20 gallons per connection at Plant X, in violation of 30 TEX. ADMIN. CODE §§ 290.45(b)(1)(D)(iv) and 290.45(f)(7) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted November 6 through November 8, 2007;
 - c. Failed to maintain complete records of the dates dead-end mains were flushed, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iv), as documented during an investigation conducted November 6 through November 8, 2007;
 - d. Failed to provide a properly constructed intruder-resistant fence in order to protect the system's facilities, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted November 6 through November 8, 2007;
 - e. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B), as documented during an investigation conducted November 6 through November 8, 2007; and
 - f. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted November 6 through November 8, 2007.

4. As owner and operator of Facility 4, the Respondent is alleged to have:
 - a. Failed to provide a minimum production capacity of 0.6 gpm per connection for a purchase water system, in violation of 30 TEX. ADMIN. CODE §290.45(f)(4), as documented during an investigation conducted November 6 through November 8, 2007;
 - b. Failed to provide a pressure tank capacity of 20 gallons per connection at Plant B, in violation of 30 TEX. ADMIN. CODE §§ 290.45(b)(1)(D)(iv) and 290.45(f)(7) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted January 16 through January 22, 2008;
 - c. Failed to maintain complete records of the dates dead-end mains were flushed, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iv), as documented during an investigation conducted January 16 through January 22, 2008;
 - d. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B), as documented during an investigation conducted January 16 through January 22, 2008;
 - e. Failed to maintain the water system 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 January 16 through January 22, 2008;
 - f. Failed to maintain all water works operation records for at least two years, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(II) and (ii)(II), as documented during an investigation conducted January 16 through January 22, 2008; and
 - g. Failed to provide two or more service pumps with a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted January 16 through January 22, 2008.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent'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: The Consolidated Water Supply Corporation, Docket No. 2008-0046-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 the Respondent shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order:
 - i. Begin maintaining a chloramine residual disinfectant concentration at a minimum of 0.5 mg/L throughout the distribution system at all times at Facility 1, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - ii. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system on a daily basis at Facilities 2, 3, and 4, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - iii. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to maintaining complete records of the dates that the dead-end mains were flushed at Facilities 1, 2, 3, and 4, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Begin maintaining daily records of water work operations such that these reports are available for Commission personnel at the time of investigations at Facility 4, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 30 days after the effective date of this Agreed Order:
 - i. Submit written certification as described below in Ordering Provision 2.h and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;
 - ii. Repair the intruder-resistant fence at Plant V in Facility 3, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Refurbish the service pump at Plant T in Facility 3 so that there are no signs of corrosion, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Submit written certification as described below in Ordering Provision 2.h and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii and 2.b.iii;
 - ii. House the chlorination equipment and chlorine cylinders in a separate building or room with impervious walls or partitions separating all electrical and mechanical equipment at Facility 2, in accordance with 30 TEX. ADMIN. CODE § 290.42; and

- iii. Develop and begin maintaining an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies at Facility 2, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.h and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions No. 2.c.ii and 2.c.iii.
- e. Within 90 days after the effective date of this Agreed Order:
 - i. Provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection at Facilities 2 and 4, as required by 30 TEX. ADMIN. CODE § 290.45;
 - ii. Obtain a water purchase contract that establishes a maximum daily purchase, or a uniform purchase rate to meet a minimum production capacity of 0.6 gpm per connection at Facility 4, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide two or more service pumps with a total capacity of 2.0 gpm per connection for the 282 connections at Plant S in Facility 4, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.h and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions No. 2.e.i through 2.e.iii.
- g. Within 365 days after the effective date of this Agreed Order:
 - i. Obtain a water purchase contract that establishes a maximum daily purchase, or a uniform purchase rate to meet a minimum production capacity of 2.0 gpm per connection for the connections that receive water under direct pressure and 0.6 gpm per connection for the connections with storage tanks at Facilities 2 and 3, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection at Facility 3, as required by 30 TEX. ADMIN. CODE § 290.45.
- h. Within 380 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 No. 2.g. 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

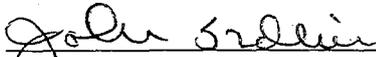
Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

9/27/2008
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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



Signature

7-8-08
Date

Johnny Babb, President

Name (Printed or typed)
Authorized Representative of
The Consolidated 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.

RECEIVED

NOV 15 1954

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

5500 S. UNIVERSITY AVENUE

CHICAGO, ILLINOIS 60637

U.S. DEPARTMENT OF AGRICULTURE

WASHINGTON, D.C. 20250

AGRICULTURAL RESEARCH SERVICE

PLANT INDUSTRY DIVISION

WASHINGTON, D.C. 20250

11/15/54

11/15/54