

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-0452-PWS-E **TCEQ ID:** RN103394722 **CASE NO.:** 35560
RESPONDENT NAME: Interstate Southwest, Ltd.

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: Interstate Southwest, 10908 County Road 419, Grimes County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 11, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. George A. Thomas, President/CEO, Interstate Southwest, Ltd., P.O. Box 1030, Navasota, Texas 77868 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 14, 2007</p> <p>Date of NOV/NOE Relating to this Case: March 7, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide a minimum pressure tank capacity of 220 gallons [30 TEX. ADMIN. CODE § 290.45(d)(2)(B)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failure to provide water system records for review at the time of the investigation [30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(D)(i) and 290.46(f)(3)(D)(ii)].</p> <p>3) Failure to have a backflow prevention assembly annually tested and certified to be operating within specifications by a recognized backflow assembly tester [30 TEX. ADMIN. CODE § 290.44(h)(4)].</p> <p>4) Failure to provide an intruder-resistant fence to protect the ground storage tank and service pumps [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>5) Failure to maintain distribution system lines, water storage and pressure maintenance facilities, and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>6) Failure to provide a concrete sealing block that extends at least three feet in all directions from the well casing [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</p>	<p>Total Assessed: \$1,777</p> <p>Total Deferred: \$355 <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: \$1,422</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 checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On December 28, 2007, submitted documentation demonstrating that the Facility is now maintaining complete water system records, including bacteriological sampling results, a distribution system map, and ground storage tank inspection forms; and</p> <p>b. On March 14, 2008, submitted documentation demonstrating that the ground storage tank has been equipped with a proper liquid level indicator.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Ensure that the backflow prevention assembly is tested and certified to be operating within specifications by a recognized backflow prevention assembly tester; and</p> <p>ii. Repair the leaking valve in the service pump room and the leak on the distribution line from Well No. 1 so that the distribution system lines, water storage and pressure maintenance facilities, and related appurtenances remain in a watertight condition.</p> <p>b. Within 45 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 a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Repair the fence around the ground storage tank and service pumps to render it</p>

<p>7) Failure to equip the ground storage tank with an appropriate water level indicator [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p>		<p>intruder-resistant; and</p> <p>ii. Repair or provide the well with a concrete sealing block that extends at least three feet from the well casing in all directions.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 90 days after the effective date of this Agreed Order, provide a minimum pressure tank capacity of 220 gallons.</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 Provision e.</p>
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Additional ID No(s): 0930031



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	10-Mar-2008	Screening	14-Mar-2008	EPA Due	
	PCW	1-Apr-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Interstate Southwest, Ltd.
Reg. Ent. Ref. No.	RN103394722
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	35560	No. of Violations	7	
Docket No.	2008-0452-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Stephen Thompson	
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	\$1,210
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No penalty adjustment due to no previous compliance history.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Total EB Amounts	\$781	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$3,580	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,210
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OTHER FACTORS AS JUSTICE MAY REQUIRE	47%	Adjustment	\$567
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs of compliance.

Final Penalty Amount	\$1,777
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,777
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DEFERRAL	20%	Reduction	Adjustment	-\$355
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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	\$1,422
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Screening Date 14-Mar-2008	Docket No. 2008-0452-PWS-E	PCW
Respondent Interstate Southwest, Ltd.		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 35560		<i>PCW Revision January 29, 2008</i>
Reg. Ent. Reference No. RN103394722		
Media [Statute] Public Water Supply		
Enf. Coordinator Stephen Thompson		

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>	0	0%
	Other written NOVs	0	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) 0%

>> Repeat Violator (Subtotal 3)

N/A	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	No penalty adjustment due to no previous compliance history.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 14-Mar-2008 **Docket No.** 2008-0452-PWS-E **PCW**
Respondent Interstate Southwest, Ltd. *Policy Revision 2 (September 2002)*
Case ID No. 35560 *PCW Revision January 29, 2008*
Reg. Ent. Reference No. RN103394722
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 290.45(d)(2)(B)(v) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, at the time of the investigation, it was documented that the Respondent did not have a pressure tank.

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="25%"/>
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 Without sufficient pressure tank capacity, the water system's ability to provide a safe and adequate water supply could be compromised, thereby exposing consumers to significant amounts of contaminants that would exceed levels 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 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 are recommended, calculated from the date of the investigation, December 14, 2007, to the date of screening, March 14, 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 Interstate Southwest, Ltd.
Case ID No. 35560
Reg. Ent. Reference No. RN103394722
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
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$2,000	14-Dec-2007	5-Dec-2008	1.0	\$7	\$130	\$137
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to purchase and install a 220 gallon pressure tank, 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

\$2,000

TOTAL

\$137

Screening Date 14-Mar-2008 **Docket No.** 2008-0452-PWS-E **PCW**
Respondent Interstate Southwest, Ltd. *Policy Revision 2 (September 2002)*
Case ID No. 35560 *PCW Revision January 29, 2008*
Reg. Ent. Reference No. RN103394722
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(f)(2), 290.46(f)(3)(D)(i) and 290.46(f)(3)(D)(ii)
Violation Description Failed to provide water system records for review at the time of the investigation. Specifically, at the time of the investigation, it was documented that there were no records of bacteriological sampling results for January 2007, the distribution system map, and the annual tank inspection form for the system's ground storage tank were not available for review.

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

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1%"/>
Less than 30% of the rule requirement was not met.					
Adjustment					<input type="text" value="\$990"/>

Violation Events

Number of Violation Events Number of violation days
mark only one with an x
 daily
 monthly
 quarterly
 semiannual
 annual
 single event

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: Interstate Southwest, Ltd.
Case ID No.: 35560
Reg. Ent. Reference No.: RN103394722
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	\$100	14-Dec-2007	28-Dec-2007	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to ensure that all water system records are kept on file and made available for review, 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

\$100

TOTAL

\$0

Screening Date 14-Mar-2008	Docket No. 2008-0452-PWS-E	PCW
Respondent Interstate Southwest, Ltd.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35560	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN103394722		
Media [Statute] Public Water Supply		
Enf. Coordinator Stephen Thompson		

Violation Number	3		
Rule Cite(s)	30 Tex. Admin. Code § 290.44(h)(4)		
Violation Description	Failed to have a backflow prevention assembly annually tested and certified to be operating within specifications by a recognized backflow assembly tester. Specifically, at the time of the investigation, it was documented that the backflow prevention assembly isolating the public water supply from the Facility's process water had not been tested since 2004.		
Base Penalty			\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	x	<input type="checkbox"/>	Percent <input style="width:50px;" type="text" value="10%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
					Percent <input style="width:50px;" type="text" value="0%"/>

Matrix Notes Failure to have backflow prevention assemblies tested annually could expose consumers to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment	\$900
\$100	

Violation Events

Number of Violation Events	<input style="width:30px;" type="text" value="1"/>		<input style="width:30px;" type="text" value="365"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	x		
	single event	<input type="checkbox"/>		
One annual event is recommended.				
			Violation Base Penalty	\$100

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width:150px;" type="text" value="\$567"/>	Violation Final Penalty Total <input style="width:100px;" type="text" value="\$147"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width:100px;" type="text" value="\$147"/>	

Economic Benefit Worksheet

Respondent: Interstate Southwest, Ltd.
Case ID No.: 35560
Reg. Ent. Reference No.: RN103394722
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	Overtime Costs	EB Amount
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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	\$180	1-Jan-2005	1-Jan-2008	3.0	\$27	\$540	\$567
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to test the backflow prevention assembly device by a recognized backflow prevention assembly tester, calculated for the three years during which no annual test occurred.

Approx. Cost of Compliance

\$180

TOTAL

\$567

Screening Date 14-Mar-2008	Docket No. 2008-0452-PWS-E	PCW
Respondent Interstate Southwest, Ltd.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35560	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN103394722		
Media [Statute] Public Water Supply		
Enf. Coordinator Stephen Thompson		

Violation Number	4	Rule Cite(s)	
		30 Tex. Admin. Code § 290.43(e)	
Violation Description	<p>Failed to provide an intruder-resistant fence to protect the ground storage tank and service pumps. Specifically, at the time of the investigation, it was documented that the bottom of the fence was not secured to the fence posts and there was a large gap in the gate.</p>		
Base Penalty			\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate		Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Percent	5%

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
				Percent	0%
Matrix Notes	<p>Failure to provide an intruder-resistant fence for the ground storage tank may allow persons to enter and vandalize the tank which may compromise the system's ability to provide a safe and adequate water supply and could expose customers to insignificant amounts of pollutants which would not exceed levels that are protective of human health.</p>				

Adjustment	\$950
\$50	

Violation Events

Number of Violation Events	1		91	Number of violation days
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty \$50	
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
<p>One single event is recommended.</p>				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$31
	Violation Final Penalty Total \$73
This violation Final Assessed Penalty (adjusted for limits) \$73	

Economic Benefit Worksheet

Respondent Interstate Southwest, Ltd.

Case ID No. 35560

Reg. Ent. Reference No. RN103394722

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	\$500	14-Dec-2007	5-Nov-2008	0.9	\$1	\$30	\$31
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the cost to repair the existing fence in order to render it intruder-resistant, 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

\$31

Screening Date 14-Mar-2008	Docket No. 2008-0452-PWS-E	PCW
Respondent Interstate Southwest, Ltd.	Policy Revision 2 (September 2002)	
Case ID No. 35560	PCW Revision January 29, 2008	
Reg. Ent. Reference No. RN103394722		
Media [Statute] Public Water Supply		
Enf. Coordinator Stephen Thompson		

Violation Number

Rule Cite(s)

Violation Description
 Failed to maintain distribution system lines, water storage and pressure maintenance facilities, and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that there was a leaking valve in the service pump room and a leak on the distribution line from Well No. 1.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 Failure to maintain distribution system lines and maintenance facilities in a watertight condition could result in the exposure of the water supply to a significant amount of contaminants which would not exceed levels 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 type="text"/>
quarterly	x
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended (one for each leak) calculated from the date of the investigation, December 14, 2007, to the date of screening, March 14, 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: Interstate Southwest, Ltd.
Case ID No.: 35560
Reg. Ent. Reference No.: RN103394722
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	14-Dec-2007	6-Oct-2008	0.8	\$1	\$27	\$28
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to repair all the leaks, 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

\$28

Screening Date 14-Mar-2008 **Docket No.** 2008-0452-PWS-E **PCW**
Respondent Interstate Southwest, Ltd. *Policy Revision 2 (September 2002)*
Case ID No. 35560 *PCW Revision January 29, 2008*
Reg. Ent. Reference No. RN103394722
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number
Rule Cite(s)
Violation Description Failed to provide a concrete sealing block that extends at least three feet in all directions from the well casing. Specifically, at the time of the investigation, it was documented that the concrete sealing block for Well No. 1 only extends two feet four inches.
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="5%"/>
Potential	<input type="text"/>	<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 Failure to provide an adequate concrete sealing block could allow contaminants to enter the well and expose the water supply to an insignificant amount of contaminants that would not exceed levels 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 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 <input type="text" value="\$16"/>	Violation Final Penalty Total <input type="text" value="\$73"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$73"/>	

Economic Benefit Worksheet

Respondent Interstate Southwest, Ltd.
Case ID No. 35560
Reg. Ent. Reference No. RN103394722
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	\$250	14-Dec-2007	5-Nov-2008	0.9	\$1	\$15	\$16
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to extend the size of the concrete sealing block around the well casing, 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

\$16

Screening Date 14-Mar-2008	Docket No. 2008-0452-PWS-E	PCW
Respondent Interstate Southwest, Ltd.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35560	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN103394722		
Media [Statute] Public Water Supply		
Enf. Coordinator Stephen Thompson		
Violation Number <input type="text" value="7"/>		
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(4)	
Violation Description	Failed to equip the ground storage tank with an appropriate water level indicator. Specifically, at the time of the investigation, it was documented that the water level indicator gauge on the ground storage tank was calibrated in pounds per square inch rather than feet of water.	
	Base Penalty	<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
				Percent <input type="text" value="5%"/>	

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Failing to equip the ground storage tank with a proper water level indicator prevents the system to properly monitor water usage and the system's ability to provide a safe and adequate water supply could be compromised thereby exposing consumers to an insignificant amount of contaminants which would not exceed levels protective of human health.			

Adjustment

Violation Events

	<input type="text" value="1"/>		<input type="text" value="91"/>	Number of violation days
<i>mark only one with an x</i>	daily		monthly	
	quarterly		semiannual	
	annual		single event	x
			Violation Base Penalty	<input type="text" value="\$50"/>

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$73"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$73"/>	

Economic Benefit Worksheet

Respondent Interstate Southwest, Ltd.

Case ID No. 35580

Reg. Ent. Reference No. RN103394722

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	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$50	14-Dec-2007	14-Mar-2008	0.2	\$0	\$1	\$1
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs The delayed costs include the amount necessary to equip the ground storage tank with a water level indicator that is calibrated in feet of water, 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	\$50	TOTAL	\$1
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Compliance History

Customer/Respondent/Owner-Operator:	CN601235104 Interstate Southwest, Ltd.	Classification: AVERAGE	Rating: 0.41
Regulated Entity:	RN103394722 INTERSTATE SOUTHWEST	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0930031
	WATER LICENSING	LICENSE	0930031
Location:	10908 COUNTY ROAD 419, GRIMES COUNTY, TEXAS		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	March 04, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 04, 2003 to March 04, 2008		

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

Name: Stephen Thompson Phone: (512) 239-2558

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? | Yes |
| 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	06/10/2004	(150307)
2	02/29/2008	(610800)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INTERSTATE SOUTHWEST, LTD.
RN103394722

§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0452-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 Interstate Southwest, Ltd. ("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 a public water supply at 10908 County Road 419 in Grimes County, Texas (the "Facility") that has approximately nine service connections and serves at least 25 people per day for at least 60 days per year.
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 notice of the violations alleged in Section II ("Allegations") on or about March 12, 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 One Thousand Seven Hundred Seventy-Seven Dollars (\$1,777) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Four Hundred Twenty-Two Dollars (\$1,422) of the administrative penalty and Three Hundred Fifty-Five Dollars (\$355) 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 Facility:
 - a. On December 28, 2007, submitted documentation demonstrating that the Facility is now maintaining complete water system records, including bacteriological sampling results, a distribution system map, and ground storage tank inspection forms; and
 - b. On March 14, 2008, submitted documentation demonstrating that the ground storage tank has been equipped with a proper liquid level indicator.
 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

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to provide a minimum pressure tank capacity of 220 gallons, in violation of 30 TEX. ADMIN. CODE § 290.45(d)(2)(B)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on December 14, 2007.
2. Failed to provide water system records for review at the time of the investigation, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(D)(i) and 290.46(f)(3)(D)(ii), as documented during an investigation conducted on December 14, 2007.
3. Failed to have a backflow prevention assembly annually tested and certified to be operating within specifications by a recognized backflow assembly tester, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4), as documented during an investigation conducted on December 14, 2007.

4. Failed to provide an intruder-resistant fence to protect the ground storage tank and service pumps, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on December 14, 2007.
5. Failed to maintain distribution system lines, water storage and pressure maintenance facilities, and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on December 14, 2007.
6. Failed to provide a concrete sealing block that extends at least three feet in all directions from the well casing, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J), as documented during an investigation conducted on December 14, 2007.
7. Failed to equip the ground storage tank with an appropriate water level indicator, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on December 14, 2007.

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: Interstate Southwest, Ltd., Docket No. 2008-0452-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. Within 30 days after the effective date of this Agreed Order:
 - i. Ensure that the backflow prevention assembly is tested and certified to be operating within specifications by a recognized backflow prevention assembly tester, in accordance with 30 TEX. ADMIN. CODE § 290.44; and

- ii. Repair the leaking valve in the service pump room and the leak on the distribution line from Well No. 1 so that the distribution system lines, water storage and pressure maintenance facilities, and related appurtenances remain in a watertight condition, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a.
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Repair the fence around the ground storage tank and service pumps to render it intruder-resistant, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Repair or provide the well with a concrete sealing block that extends at least three feet from the well casing in all directions, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.
- e. Within 90 days after the effective date of this Agreed Order, provide a minimum pressure tank capacity of 220 gallons, 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, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.e. 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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

John Sedlin

For the Executive Director

9/30/2008

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.

G.A. Thomas

Signature

5-30-08

Date

George A. Thomas

Name (Printed or typed)
Authorized Representative of
Interstate Southwest, Ltd.

President/CEO

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.

