

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 4  
**DOCKET NO.:** 2008-0546-PWS-E **TCEQ ID:** RN105449151 **CASE NO.:** 35654  
**RESPONDENT NAME:** Feron Corporation dba Zebra Show Bar

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Zebra Show Bar, 7700 South Desert Boulevard, Anthony, El Paso County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> Two complaints were received from February 4<sup>th</sup> through 13<sup>th</sup>, 2008. The complainants alleged that they became ill after consuming water at the Facility. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> Complaints were received, but the complainants have not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 8, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4033; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Manuel Hernandez, President/Registered Agent, Feron Corporation, 2415 Montana Avenue, El Paso, Texas 79903  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

## VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> February 4<sup>th</sup> through 13<sup>th</sup>, 2008</p> <p><b>Date of Investigation Relating to this Case:</b> February 4, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> March 21, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WATER</b></p> <p>1) Failure to provide a sanitary control easement that covers the land within 150 feet of the well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>2) Failure to conduct a physical and chemical analysis of water produced from a new well [30 TEX. ADMIN. CODE § 290.41(c)(3)(G)].</p> <p>3) Failure to seal the wellhead with a gasket or sealing compound [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p>4) Failure to provide a suitable sampling cock on the discharge pipe of the well pump [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</p> <p>5) Failure to properly install an air-release device on the discharge piping of the well in such a manner to preclude the possibility of submergence or entrance of contaminants [30 TEX. ADMIN. CODE § 290.41(c)(3)(Q)].</p> <p>6) Failure to provide a proper sampling tap for the raw water [30 TEX. ADMIN. CODE § 290.42(b)(6)].</p> <p>7) Failure to properly cover the air-release device in the middle of the discharge line with a 16-mesh or finer corrosion-resistant screen to preclude the possibility of</p>	<p><b>Total Assessed:</b> \$7,640</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$440 (remaining \$7,200 due in 36 monthly payments of \$200 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on February 13, 2008, the Respondent began maintaining the free chlorine disinfection residual of at least 0.2 mg/L throughout the distribution system.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin operating mechanical disinfection facilities to ensure the disinfectant residual is at least 0.2 mg/L of free chlorine at all times;</p> <p>b. Within 10 days after the effective date of this Agreed Order:</p> <p>i. Develop and begin maintaining a written protocol that is to be followed to ensure that proper public notification and boil water notices are provided to customers of the water supply in the event of distribution pressures below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that potability of the water may have been compromised;</p> <p>ii. Compile and begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>iii. Obtain a chlorine residual test kit that measures the free chlorine level in the water system to a minimum accuracy; and</p> <p>iv. Begin using treatment chemicals or media that conform to ANSI/NSF standards.</p> <p>c. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Complete a physical and chemical analysis of the water produced from the well;</p> <p>ii. Provide a suitable sampling cock on the discharge pipe of the well pump;</p>

<p>submergence or entrance of contaminants [30 TEX. ADMIN. CODE § 290.42(b)(7)].</p> <p>8) Failure to use an approved chemical or media for the disinfection of potable water that conforms to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards [30 TEX. ADMIN. CODE § 290.42(j)].</p> <p>9) Failure to maintain the Facility's storage tank in strict accordance with current American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(1), 290.43(c)(2), and 290.43(c)(3)].</p> <p>10) Failure to provide the three pressure tanks with pressure release devices [30 TEX. ADMIN. CODE 290.43(d)(2)].</p> <p>11) Failure to locate the water line a minimum of 24 inches below the ground surface [30 TEX. ADMIN. CODE § 290.44(a)(4)].</p> <p>12) Failure to obtain approval by the Executive Director for the construction of a public water system [30 TEX. ADMIN. CODE §§ 290.40(a) and 290.46(a), and TEX. HEALTH &amp; SAFETY CODE § 341.035(a)].</p> <p>13) Failure to operate the disinfection equipment to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(1) and 290.46(d)(2)(A) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>14) Failure to provide water system records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(B)(iii), and 290.46(f)(3)(D)(i)].</p> <p>15) Failure to conduct an annual inspection of the ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>16) Failure to conduct an annual inspection of each of the three pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>17) Failure to maintain plans, specifications, maps, and other pertinent information on file [30 TEX. ADMIN. CODE § 290.46(n)].</p>		<p>iii. Provide a sampling tap for the raw water;</p> <p>iv. Seal the well's top plate with a gasket or sealing compound;</p> <p>v. Install an air-release device on the discharge piping of the well where it is not subject to flooding and cover the air-release device opening with a 16-mesh or finer corrosion-resistant screening material;</p> <p>vi. Install pressure release devices on the three pressure tanks;</p> <p>vii. Compile and begin maintaining properly completed monthly water works operation records and maintenance records, including but not limited to disinfection residual monitoring results and microbiological analysis records, and make them available at the time of Commission inspections;</p> <p>viii. Begin maintaining engineering plans, specifications, maps, and other pertinent information on file and make these records available upon the request of the Executive Director;</p> <p>ix. Conduct the annual inspections for the three pressure tanks and one ground storage tank; and</p> <p>x. Secure the electrical wiring leading to the submersible pump in compliance with a local or national electric code.</p> <p>d. Within 45 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a through c.</p> <p>e. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Obtain a sanitary control easement that covers the land within 150 feet of the well;</p> <p>ii. Install an overflow pipe, provide a 16-mesh or finer corrosion resistant screen on the roof vent, and provide a roof vent opening with a minimum of 30 inches in diameter for the ground storage tank;</p> <p>iii. Ensure the top of the waterline running from the well to the parking lot of the building is located at least 24 inches below ground surface and below the frost line;</p>
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<p>18) Failure to issue a boil water notification within 24 hours using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) [30 TEX. ADMIN. CODE § 290.46(q)(1)].</p> <p>19) Failure to ensure that all water system electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>20) Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>21) Failure to measure the free chlorine residual within the distribution system with a colorimeter, spectrophotometer, or color comparator test kit which measures the free chlorine residual to a minimum accuracy of plus or minus 0.1 mg/L [30 TEX. ADMIN. CODE § 290.110(d)(3)].</p>		<p>iv. Submit accurate up-to-date detailed as-built plans and specifications for review and approval; and</p> <p>v. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the as-built plans within 15 days after the date of such requests, or by any other deadline specified in writing.</p> <p>f. 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 e.</p>
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Additional ID No(s): PWS 0710189



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

**TCEQ**

DATES	Assigned	24-Mar-2008	Screening	1-Apr-2008	EPA Due	
	PCW	1-Apr-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Feron Corporation dba Zebra Show Bar
Reg. Ent. Ref. No.	RN105449151
Facility/Site Region	6-EI Paso
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35654	No. of Violations	21
Docket No.	2008-0546-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
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 EDP RP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/> X	(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** 1-Apr-2008

**Docket No.** 2008-0546-PWS-E

**PCW**

**Respondent** Feron Corporation dba Zebra Show Bar

Policy Revision 2 (September 2002)

**Case ID No.** 35654

PCW Revision February 29, 2008

**Reg. Ent. Reference No.** RN105449151

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

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

No change due to no previous compliance history.

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

**Screening Date** 1-Apr-2008 **Docket No.** 2008-0546-PWS-E **PCW**  
**Respondent** Feron Corporation dba Zebra Show Bar *Policy Revision 2 (September 2002)*  
**Case ID No.** 35654 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN105449151  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal  
**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="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" 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 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
<b>Estimated EB Amount</b> <input type="text" value="\$13"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$69"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$69"/>	

## Economic Benefit Worksheet

**Respondent** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	4-Feb-2008	1-Jan-2009	0.9	\$1	\$12	\$13
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 obtain a sanitary control easement for the well, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>				
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 \$200

TOTAL \$13

Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

OR

>> 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** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 2

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
**Item Description**    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)	\$200	4-Feb-2008	1-Dec-2008	0.8	\$1	\$11	\$12
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 conduct a physical and chemical analysis of the well water, 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

\$200

TOTAL

\$12

**Screening Date** 1-Apr-2008 **Docket No.** 2008-0546-PWS-E **PCW**  
**Respondent** Feron Corporation dba Zebra Show Bar *Policy Revision 2 (September 2002)*  
**Case ID No.** 35654 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN105449151  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal  
**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="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
<input type="text" value="Failure to seal the wellhead with a gasket or sealing compound could allow contaminants into the water supply and expose customers to an insignificant amount of contaminants which would not exceed levels that are protective of human health."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
<b>Adjustment</b> <input type="text" value="\$950"/>					

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
<b>Estimated EB Amount</b> <input type="text" value="\$3"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$69"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$69"/>	

## Economic Benefit Worksheet

**Respondent** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 3

**Percent Interest** 5.0  
**Years of Depreciation** 15

<b>Item Description</b>	<b>Item Cost</b>	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Onetime Costs</b>	<b>EB Amount</b>
	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)	\$50	4-Feb-2008	1-Dec-2008	0.8	\$0	\$3	\$3
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 seal the wellhead, 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 \$50

TOTAL \$3

Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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 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

Failure to provide the system's well with a suitable sampling cock could prevent the water supply from obtaining proper samples of the system's water and could result in the exposure of customers of the water supply to an insignificant amount of pollutants which would not 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 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

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** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$100	4-Feb-2008	1-Dec-2008	0.8	\$0	\$5	\$6
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 install a sampling cock on the system's well, 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

\$100
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TOTAL

\$6
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Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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 checked="" type="checkbox"/>	<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

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** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment	\$200	4-Feb-2008	1-Dec-2008	0.8	\$1	\$11	\$12
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to properly relocate the air-release device, 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

\$200

TOTAL

\$12

Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy, Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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="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 the system's well with a suitable sampling tap for raw water could prevent the water supply from obtaining proper samples of the system's water and could result in the exposure of customers of the water supply to an insignificant amount of pollutants which would not 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 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 Feron Corporation dba Zebra Show Bar  
 Case ID No. 35654  
 Reg. Ent. Reference No. RN105449151  
 Media Public Water Supply  
 Violation No. 6

Percent Interest 5.0  
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$100	4-Feb-2008	1-Dec-2008	0.8	\$0	\$5	\$6
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 install a sampling tap on the system's well, calculated from the date of the investigation to the estimated date of compliance.

<b>Avoided Costs</b>							
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 \$6

Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Polk, Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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" value="x"/>	<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

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" value="x"/>
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** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 7

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
**Item Description** 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)	\$25	4-Feb-2008	1-Dec-2008	0.8	\$0	\$1	\$1
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 properly cover the air-release device with a 16-mesh or finer corrosion-resistant screen, 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

\$25

TOTAL

\$1

Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.42(j)

Violation Description

Failed to use an approved chemical or media for the disinfection of potable water that conforms to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards. Specifically, at the time of the investigation, it was noted that the Respondent was using Clorox which is not ANSI/NSF certified as use of an approved disinfection.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

By failing to use disinfectant chemicals or media that conform to ANSI/NSF standards customers of the water supply could be exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

57 Number of violation days

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

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$69

This violation Final Assessed Penalty (adjusted for limits) \$69

## Economic Benefit Worksheet

Respondent Feron Corporation dba Zebra Show Bar  
 Case ID No. 35654  
 Reg. Ent. Reference No. RN105449151  
 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)	\$50	4-Feb-2008	10-Oct-2008	0.7	\$0	\$2	\$2
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 use an ANSI/NSF approved disinfectant, 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 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy Revision 2 (September 2007)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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="10%"/>
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 Feron Corporation dba Zebra Show Bar  
 Case ID No. 35654  
 Reg. Ent. Reference No. RN105449151  
 Media Public Water Supply  
 Violation No. 9

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost    Date Required    Final Date    Yrs    Interest Saved    Onetime Costs    EB Amount  
 Item Description    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)	\$500	4-Feb-2008	1-Jan-2009	0.9	\$2	\$30	\$32
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 screen the roof vent, provide the roof with an opening of a minimum of 30 inches in diameter, and provide an overflow pipe on the ground storage 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)

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 \$500

TOTAL \$32

Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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" value="25%"/>
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

Failure to have a pressure release device on the pressure tanks could result in an overpressurization of the tanks. Overpressurization could cause loss of tank integrity, and customers of the water supply would be exposed to a significant amount of contaminants 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

Six monthly events are recommended (2 months per each pressure tank) from the date of the investigation, February 4, 2008, to the date of screening, April 1, 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** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 10

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$450	4-Feb-2008	1-Dec-2008	0.8	\$1	\$25	\$26
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 install pressure release devices on the pressure tanks, 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

\$450

TOTAL

\$26

Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.44(a)(4)

Violation Description Failed to locate the water line a minimum of 24 inches below the ground surface. Specifically, at the time of the investigation, it was noted that the water line running from the well to the parking lot of the building was exposed.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to locate the water line at least 24 inches below ground surface could result in line breaks and could impair the system's ability to provide a safe and adequate water supply exposing customers to a significant amount of contaminants that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

57 Number of violation days

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

Violation Base Penalty \$500

Two monthly events are recommended from the date of the investigation, February 4, 2008, to the date of screening, April 1, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$64

Violation Final Penalty Total \$688

This violation Final Assessed Penalty (adjusted for limits) \$688

## Economic Benefit Worksheet

**Respondent** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 11

**Percent Interest** 5.0  
**Years of Depreciation** 15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	4-Feb-2008	1-Jan-2009	0.9	\$3	\$61	\$64
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 bury the water line a minimum of 24 inches, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$64

**Screening Date** 1-Apr-2008 **Docket No.** 2008-0546-PWS-E **PCW**  
**Respondent** Feron Corporation dba Zebra Show Bar *Policy Revision 7/1/September 2002*  
**Case ID No.** 35654 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN105449151  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal  
**Violation Number** 12  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.40(a) and 290.46(a), and Tex. Health & Safety Code § 341.035(a)  
**Violation Description** Failed to obtain approval by the Executive Director for the construction of a public water system. Specifically, the Respondent submitted plans and specifications on May 24, 2007; however, the plans were not approved due to inadequate information and provided the Respondent written notification in a letter dated July 12, 2007 indicating that the well may not be placed into service. To date, the Respondent has not resubmitted plans and specifications.  
**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

Failing to obtain approval from the Commission for the well could expose customers of the water supply to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 Number of violation days 57

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two monthly events are recommended from the date of the investigation, February 4, 2008, to the date of screening, April 1, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$64

Violation Final Penalty Total \$688

This violation Final Assessed Penalty (adjusted for limits) \$688

## Economic Benefit Worksheet

**Respondent** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	4-Feb-2008	1-Jan-2009	0.9	\$3	\$61	\$64
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 prepare and submit as-built plans and specifications for Commission review and approval, calculated from the date of the investigation to the estimated date of compliance

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$64

Screening Date 1-Apr-2008 Docket No. 2008-0546-PWS-E PCW  
 Respondent Feron Corporation dba Zebra Show Bar Policy Revision 2 (September 2002)  
 Case ID No. 35654 PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151  
 Media [Statute] Public Water Supply  
 Enf. Coordinator Epifanio Villarreal

Violation Number 13  
 Rule Cite(s) 30 Tex. Admin. Code § 290.46(d)(1) and 290.46(d)(2)(A) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times. Specifically, at the time of the investigation, a chlorine residual test conducted revealed a chlorine residual of 0.0 milligrams per liter ("mg/L") and it was noted that the disinfection equipment was not operational.

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 ensure the disinfection equipment is functional to maintain proper levels of disinfection, customers of the water supply could be exposed to a significant amounts of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 1 Number of violation days

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

Violation Base Penalty \$500

Two monthly events are recommended from the date of the investigation, February 4, 2008, to the date of screening, April 1, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$263

Violation Final Penalty Total \$688

This violation Final Assessed Penalty (adjusted for limits) \$688

## Economic Benefit Worksheet

Respondent Feron Corporation dba Zebra Show Bar  
 Case ID No. 35654  
 Reg. Ent. Reference No. RN105449151  
 Media Public Water Supply  
 Violation No. 13

Percent Interest 5.0  
 Years of Depreciation 15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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

<b>Avoided Costs</b>							
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]	\$250	4-Feb-2008	1-Apr-2008	1.1	\$13	\$250	\$263
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount for additional maintenance to ensure the disinfection equipment is operating properly, calculated for the date when the violation was documented to the date of screening.

Approx. Cost of Compliance \$250

TOTAL \$263

**Screening Date** 1-Apr-2008 **Docket No.** 2008-0546-PWS-E **PCW**  
**Respondent** Feron Corporation dba Zebra Show Bar *Policy Revision 2 (September 2002)*  
**Case ID No.** 35654 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN105449151  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal  
**Violation Number** 14  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(B)(iii), and 290.46(f)(3)(D)(i)  
**Violation Description** Failed to provide water system records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, it was noted that the disinfectant residual monitoring results and microbiological analysis were not available for review.  
**Base Penalty** \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
		x		5%

**Matrix Notes** Between 30% and 70% of the rule requirements were not met.

**Adjustment** \$950

\$50

Violation Events

Number of Violation Events: 1      57 Number of violation days

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

**Violation Base Penalty** \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$69

This violation Final Assessed Penalty (adjusted for limits) \$69

## Economic Benefit Worksheet

**Respondent** Feron Corporation dba Zebra Show Bar

**Case ID No.** 35654

**Reg. Ent. Reference No.** RN105449151

**Media** Public Water Supply

**Violation No.** 14

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	4-Feb-2008	1-Dec-2008	0.8	\$21	n/a	\$21
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 develop a recordkeeping system for the microbiological analysis and disinfectant residual monitoring results, 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

\$21

**Screening Date** 1-Apr-2008 **Docket No.** 2008-0546-PWS-E **PCW**  
**Respondent** Feron Corporation dba Zebra Show Bar *Policy Revision 2 (September 2002)*  
**Case ID No.** 35654 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN105449151  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal  
**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="10%"/>
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

Complete failure to perform an inspection of the ground storage tank could result in non-detection of a tank defect that causes loss of tank integrity, which could expose customers of the water supply to significant amounts of contaminants that would not 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 type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input checked="" type="checkbox"/>
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 Feron Corporation dba Zebra Show Bar  
 Case ID No. 35654  
 Reg. Ent. Reference No. RN105449151  
 Media Public Water Supply  
 Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$100	4-Feb-2007	4-Feb-2008	1.0	\$5	\$100	\$105
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 cost includes the amount to conduct the annual ground storage tank inspection, calculated for one year prior to the date of the investigation.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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" value="x"/>	<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

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" value="x"/>
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** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 16

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	4-Feb-2007	4-Feb-2008	1.0	\$15	\$300	\$315
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 cost includes the amount to conduct the annual pressure tank inspections, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$300

TOTAL

\$315

**Screening Date** 1-Apr-2008 **Docket No.** 2008-0546-PWS-E **PCW**  
**Respondent** Feron Corporation dba Zebra Show Bar *Policy Revision 2 (September 2002)*  
**Case ID No.** 35654 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN105449151  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal  
**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" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	
<input type="text" value="100% of the rule requirement was not met."/>					
<b>Adjustment</b>					<input type="text" value="\$900"/>

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="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** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 17

**Percent Interest** 5.0  
**Years of Depreciation** 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,000	4-Feb-2008	1-Dec-2009	1.8	\$12	\$243	\$255
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 prepare and maintain plans, specifications, maps and other pertinent information on file, calculated from the date of the investigation to the estimated date of compliance.

<b>Avoided Costs</b>							
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** \$255

Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy, Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 18

Rule Cite(s) 30 Tex. Admin. Code § 290.46(q)(1)

Violation Description Failed to issue a boil water notification within 24 hours using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e). Specifically, during the investigation, the Respondent was notified that a boil water notice needed to be posted within 24 hours due to inadequate chlorine residuals. The Respondent failed to issue the notice.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Matrix Notes Failure to issue a boil water notice may not allow the public to take appropriate measures in response to inadequate chlorine residuals which could potentially expose the public to significant amounts of pollutants that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$344

This violation Final Assessed Penalty (adjusted for limits) \$344

## Economic Benefit Worksheet

**Respondent** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 18

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

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]	\$20	4-Feb-2008	5-Feb-2008	0.0	\$0	\$20	\$20
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary to provide a boil water notice, calculated for the 24 hour occurrence.

**Approx. Cost of Compliance**    \$20    **TOTAL**    \$20

Screening Date 1-Apr-2008

Docket No. 2008-0546-PWS-E

PCW

Respondent Feron Corporation dba Zebra Show Bar

Policy Revision 2 (September 2002)

Case ID No. 35654

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

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** Feron Corporation dba-Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 19

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$200	4-Feb-2008	1-Dec-2008	0.8	\$1	\$11	\$12
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to install electrical wiring in compliance with a local or national code, calculated from the date of the investigation to estimated date of compliance

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>				
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

\$200

TOTAL

\$12

Screening Date 1-Apr-2008 Docket No. 2008-0546-PWS-E PCW  
 Respondent Feron Corporation dba Zebra Show Bar Policy Revision 2 (September 2002)  
 Case ID No. 35654 PCW Revision February 29, 2008  
 Reg. Ent. Reference No. RN105449151

Media [Statute] Public Water Supply  
 Enf. Coordinator Epifanio Villarreal

Violation Number 20

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a)

Violation Description Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 57

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$138

This violation Final Assessed Penalty (adjusted for limits) \$138

### Economic Benefit Worksheet

Respondent Feron Corporation dba Zebra Show Bar

Case ID No. 35654

Reg. Ent. Reference No. RN105449151

Media Public Water Supply

Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	4-Feb-2008	10-Nov-2008	0.8	\$19	n/a	\$19
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 prepare and begin maintaining a chemical and microbiological monitoring plan for the water system, calculated from the date of the investigation to the estimated date of compliance.

<b>Avoided Costs</b>							
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	\$19
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**Screening Date** 1-Apr-2008 **Docket No.** 2008-0546-PWS-E **PCW**  
**Respondent** Feron Corporation dba Zebra Show Bar *Policy Revision 2 (September 2002)*  
**Case ID No.** 35654 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN105449151  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal  
**Violation Number** 21  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.110(d)(3)  
**Violation Description** Failed to measure the free chlorine residual within the distribution system with a colorimeter, spectrophotometer, or color comparator test kit which measures the free chlorine residual to a minimum accuracy of plus or minus 0.1 mg/L. Specifically, at the time of the investigation, it was noted that the water system did not have a test kit to test the chlorine residual within the distribution system.  
**Base Penalty** \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

**Matrix Notes** Failure to have a proper chlorine residual test kit prevents the system from accurately measuring the disinfectant chlorine residual, which could result in customers of the water supply being exposed to a significant amounts of contaminants which would not exceed levels protective of human health.

**Adjustment** \$900

\$100

Violation Events

Number of Violation Events 1 57 Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$100

One quarterly event is recommended from the date of the investigation, February 4, 2008, to the date of screening, April 1, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$138

This violation Final Assessed Penalty (adjusted for limits) \$138

## Economic Benefit Worksheet

**Respondent** Feron Corporation dba Zebra Show Bar  
**Case ID No.** 35654  
**Reg. Ent. Reference No.** RN105449151  
**Media** Public Water Supply  
**Violation No.** 21

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$100	4-Feb-2008	10-Nov-2008	0.8	\$0	\$5	\$5
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to obtain a test kit that measures the free chlorine residual, 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 \$100

TOTAL \$5

# Compliance History

Customer/Respondent/Owner-Operator: CN603317199 Feron Corporation Classification: Rating:  
Regulated Entity: RN105449151 ZEBRA SHOW BAR Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0710189  
Location: 7700 S DESERT BLVD ANTHONY, TX ,EL PASO COUNTY  
TCEQ Region: REGION 06 - EL PASO  
Date Compliance History Prepared: April 01, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: April 1, 2003 to April 1, 2008  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Epi Villarreal Phone: (210) 403-4033

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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.)  
N/A
  - 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  
FERON CORPORATION DBA ZEBRA  
SHOW BAR  
RN105449151

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-0546-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 Feron Corporation dba Zebra Show Bar ("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 7700 South Desert Boulevard in Anthony, El Paso County, Texas (the "Facility") that has one service connection 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 26, 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 Seven Thousand Six Hundred Forty Dollars (\$7,640) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Forty Dollars (\$440) of the administrative penalty. The remaining amount of Seven Thousand Two Hundred Dollars (\$7,200) of the administrative penalty shall be payable in 36 monthly payments of Two Hundred



Dollars (\$200) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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 on February 13, 2008, the Respondent began maintaining the free chlorine disinfection residual of at least 0.2 milligrams per liter ("mg/L") throughout the distribution system.
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 sanitary control easement that covers the land within 150 feet of the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on February 4, 2008.
2. Failed to conduct a physical and chemical analysis of water produced from a new well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(G), as documented during an investigation conducted on February 4, 2008.
3. Failed to seal the wellhead with a gasket or sealing compound, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), as documented during an investigation conducted on February 4, 2008.



4. Failed to provide a suitable sampling cock on the discharge pipe of the well pump, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M), as documented during an investigation conducted on February 4, 2008.
5. Failed to properly install an air-release device on the discharge piping of the well in such a manner to preclude the possibility of submergence or entrance of contaminants, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(Q), as documented during an investigation conducted on February 4, 2008.
6. Failed to provide a proper sampling tap for the raw water, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(6), as documented during an investigation conducted on February 4, 2008.
7. Failed to properly cover the air-release device in the middle of the discharge line with a 16-mesh or finer corrosion-resistant screen to preclude the possibility of submergence or entrance of contaminants, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(7), as documented during an investigation conducted on February 4, 2008.
8. Failed to use an approved chemical or media for the disinfection of potable water that conforms to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards, in violation of 30 TEX. ADMIN. CODE § 290.42(j), as documented during an investigation conducted on February 4, 2008.
9. Failed to maintain the Facility's storage tank in strict accordance with current American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1), 290.43(c)(2), and 290.43(c)(3), as documented during an investigation conducted on February 4, 2008.
10. Failed to provide the three pressure tanks with pressure release devices, in violation of 30 TEX. ADMIN. CODE 290.43(d)(2), as documented during an investigation conducted on February 4, 2008.
11. Failed to locate the water line a minimum of 24 inches below the ground surface, in violation of 30 TEX. ADMIN. CODE § 290.44(a)(4), as documented during an investigation conducted on February 4, 2008.
12. Failed to obtain approval by the Executive Director for the construction of a public water system, in violation of 30 TEX. ADMIN. CODE §§ 290.40(a) and 290.46(a), and TEX. HEALTH & SAFETY CODE § 341.035(a), as documented during an investigation conducted on February 4, 2008.
13. Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(1) and 290.46(d)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on February 4, 2008.
14. Failed to provide water system records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(B)(iii), and 290.46(f)(3)(D)(i), as documented during an investigation conducted on February 4, 2008.



15. Failed to conduct an annual inspection of the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on February 4, 2008.
16. Failed to conduct an annual inspection of each of the three pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on February 4, 2008.
17. Failed to maintain plans, specifications, maps, and other pertinent information on file, in violation of 30 TEX. ADMIN. CODE § 290.46(n), as documented during an investigation conducted on February 4, 2008.
18. Failed to issue a boil water notification within 24 hours using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1), as documented during an investigation conducted on February 4, 2008.
19. Failed to ensure that all water system electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v), as documented during an investigation conducted on February 4, 2008.
20. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on February 4, 2008.
21. Failed to measure the free chlorine residual within the distribution system with a colorimeter, spectrophotometer, or color comparator test kit which measures the free chlorine residual to a minimum accuracy of plus or minus 0.1 mg/L, in violation of 30 TEX. ADMIN. CODE § 290.110(d)(3), as documented during an investigation conducted on February 4, 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: Feron Corporation dba Zebra Show Bar, Docket No. 2008-0546-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, begin operating mechanical disinfection facilities to ensure the disinfectant residual is at least 0.2 mg/L of free chlorine at all times, in accordance with 30 TEX ADMIN. CODE § 290.46;
  - b. Within 10 days after the effective date of this Agreed Order:
    - i. Develop and begin maintaining a written protocol that is to be followed to ensure that proper public notification and boil water notices are provided to customers of the water supply in the event of distribution pressures below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that potability of the water may have been compromised, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Compile and begin maintaining an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121;
    - iii. Obtain a chlorine residual test kit that measures the free chlorine level in the water system to a minimum accuracy, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
    - iv. Begin using treatment chemicals or media that conform to ANSI/NSF standards, in accordance with 30 TEX. ADMIN. CODE § 290.42.
  - c. Within 30 days after the effective date of this Agreed Order:
    - i. Complete a physical and chemical analysis of the water produced from the well, in accordance with 30 TEX. ADMIN. CODE § 290.41;
    - ii. Provide a suitable sampling cock on the discharge pipe of the well pump, in accordance with 30 TEX. ADMIN. CODE § 290.41;
    - iii. Provide a sampling tap for the raw water, in accordance with 30 TEX. ADMIN. CODE § 290.42;
    - iv. Seal the well's top plate with a gasket or sealing compound, in accordance with 30 TEX. ADMIN. CODE § 290.41;
    - v. Install an air-release device on the discharge piping of the well where it is not subject to flooding and cover the air-release device opening with a 16-mesh or



- finer corrosion-resistant screening material, in accordance with 30 TEX. ADMIN. CODE § 290.41;
- vi. Install pressure release devices on the three pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.41;
  - vii. Compile and begin maintaining properly completed monthly water works operation records and maintenance records, including but not limited to disinfection residual monitoring results and microbiological analysis records, and make them available at the time of Commission inspections, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - viii. Begin maintaining engineering plans, specifications, maps, and other pertinent information on file and make these records available upon the request of the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - ix. Conduct the annual inspections for the three pressure tanks and one ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - x. Secure the electrical wiring leading to the submersible pump in compliance with a local or national electric code, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 45 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a through 2.c.
- e. Within 60 days after the effective date of this Agreed Order:
- i. Obtain a sanitary control easement that covers the land within 150 feet of the well, in accordance with 30 TEX. ADMIN. CODE § 290.41;
  - ii. Install an overflow pipe, provide a 16-mesh or finer corrosion resistant screen on the roof vent, and provide a roof vent opening with a minimum of 30 inches in diameter for the ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.43;
  - iii. Ensure the top of the waterline running from the well to the parking lot of the building is located at least 24 inches below ground surface and below the frost line, in accordance with 30 TEX. ADMIN. CODE § 290.44;
  - iv. Submit accurate up-to-date detailed as-built plans and specifications for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.46; and



The plans shall be submitted to:

Water Supply Division  
Utility Creation & Plan Review Team, MC 153  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

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

- v. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the as-built plans within 15 days after the date of such requests, or by any other deadline specified in writing.
- f. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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



with a copy to:

Water Section Manager  
El Paso Regional Office  
Texas Commission on Environmental Quality  
401 East Franklin Avenue, Suite 560  
El Paso, Texas 79901-1206

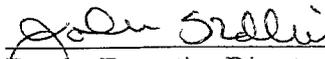
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension 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

  
\_\_\_\_\_  
For the Executive Director

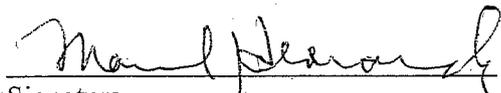
9/27/2008  
Date

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

06/30/08  
Date

Manuel Hernandez  
Name (Printed or typed)  
Authorized Representative of  
Feron Corporation dba Zebra Show Bar

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.

