

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-1984-PWS-E TCEQ ID: RN101218121 CASE NO.: 31746**  
**RESPONDENT NAME: WSWs COMPANY**

<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> West of Farm-to-Market Road 1417 on Pumping Jack Road, Grayson County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 1, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320  Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  TCEQ Enforcement Coordinator: Mr. Tel Croston, Water Enforcement Section, MC 169, (512) 239-5717  TCEQ Regional Contact: Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901  Respondent: Mr. Robert Tate, President and Registered Agent, WSWs Company, P.O. Box 551, Sherman, Texas 75091  Respondent's Attorney: 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></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 18, 2006</p> <p><b>Date of NOE Relating to this Case:</b> December 18, 2006</p> <p><b>Background Facts:</b> An EDRP was filed on April 12, 2007. The Respondent filed an Answer and the case was referred to SOAH. The Respondent signed an Agreed Order on September 10, 2008.</p> <p><b>Current Compliance Status:</b> Not yet in compliance.</p> <p><b>PWS:</b></p> <ol style="list-style-type: none"> <li>Failed to compile a plant operations manual and keep it up-to-date for operator review and reference [30 TEX. ADMIN. CODE § 290.42(1)].</li> <li>Failed to obtain a sanitary control easement or an exception to the easement requirement that is approved by the Commission for well number one [30 TEX. ADMIN. CODE § 290.41(c)(1)(f)].</li> <li>Failed to provide the well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</li> <li>Failed to provide an all-weather access road to the well site [30 TEX. ADMIN. CODE § 290.41(c)(3)(P)].</li> <li>Failed to provide the vent opening on the ground storage tank with a 16-mesh or finer corrosion-resistant screening [30 TEX. ADMIN. CODE § 290.43(c)(1)].</li> </ol>	<p><b>Total Assessed:</b> \$1,050</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$1,050</p> <p>The Respondent has paid the administrative penalty in full.</p> <p><b>Site Compliance History Classification:</b> N/A</p> <p><b>Person Compliance History Classification:</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Within 30 days;             <ol style="list-style-type: none"> <li>Compile and begin maintaining a plant operation manual;</li> <li>Position the inlet and outlet connections on the ground storage tank as to prevent short-circuiting or stagnation; and</li> <li>Install a 16-mesh or finer corrosion-resistant screening to cover the vent on the ground storage tank.</li> </ol> </li> <li>Within 45 days;             <ol style="list-style-type: none"> <li>Submit written certification that demonstrates compliance with Ordering Provision 1;</li> <li>Secure a sanitary easement covering all property within 150 feet of each well location or an exception approved by the Commission; and</li> <li>Provide a concrete sealing block for the well that extends from the exterior casing a minimum of three feet in all directions.</li> </ol> </li> <li>Within 90 days;             <ol style="list-style-type: none"> <li>Submit written certification that demonstrates compliance with Ordering Provision 2.ii and 2.iii;</li> <li>Provide a well capacity of 0.6 gpm per connection; and</li> <li>Provide an all weather access road to the well site.</li> </ol> </li> <li>Within 180 days;             <ol style="list-style-type: none"> <li>Submit written certification that demonstrates compliance with Ordering Provision 3.ii and 3.iii; and</li> <li>Provide a pressure tank capacity of 20 gallons per connection.</li> </ol> </li> </ol>

6. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i)].

7. Failed to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv)].

8. Failed to properly locate the inlet and outlet connections so as to prevent short-circuiting or stagnation of water within the ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(5)].

5. Within 195 days, submit written certification that demonstrates compliance with Ordering Provision 4.ii.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 15, 2006

**TCEQ**

<b>DATES</b>	Assigned	6-Nov-2006			
	PCW	9-Jul-2007	Screening	14-Nov-2006	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>					
Respondent	WSWS Company				
Reg. Ent. Ref. No.	RN101218121				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

<b>CASE INFORMATION</b>					
Enf./Case ID No.	31746	No. of Violations	8		
Docket No.	2006-1984-PWS-E	Order Type	1660		
Media Program(s)	Public Water Supply	Enf. Coordinator	Tel Croston		
Multi-Media		EC's Team	EnforcementTeam 2		
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000	

## Penalty Calculation Section

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

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

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

**Compliance History** **Subtotals 2, 3, & 7**

5% Enhancement

Notes: The enhancement is due to one prior Notice of Violation ("NOV") containing violations the same as or similar to the violations in the current enforcement case.

**Culpability** **Subtotal 4**

No 0% Enhancement

Notes: Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **Subtotal 5**

0% Reduction

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

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

**Total EB Amounts**  **Subtotal 6**

**Approx. Cost of Compliance**  0% Enhancement\* **Subtotal 6**

\*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. (Enter number only; e.g. -30 for -30%.)

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

0% Reduction

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

Notes

Deferral not offered for non-expedited settlement

**PAYABLE PENALTY**

Screening Date 14-Nov-2006

Docket No. 2006-1984-PWS-E

PCW

Respondent WWSW Company

Policy Revision 2 (September 2002)

Case ID No. 31746

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN101218121

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The enhancement is due to one prior Notice of Violation ("NOV") containing violations the same as or similar to the violations in the current enforcement case.

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

Screening Date 14-Nov-2006

Docket No. 2006-1984-PWS-E

PCW

Respondent WSWS Company

Policy Revision 2 (September 2002)

Case ID No. 31746

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN101218121

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description

Failed to compile a plant operations manual and keep it up-to-date for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$105

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

## Economic Benefit Worksheet

**Respondent** WWS Company  
**Case ID No.** 31746  
**Reg. Ent. Reference No.** RN101218121  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				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)	\$200	18-Oct-2006	5-Aug-2007	0.8	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to compile and maintain a plant operations manual. Date required is the investigation date. Final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

There are no avoided costs associated with this investigation.

Approx. Cost of Compliance

\$200

**TOTAL**

\$8

Screening Date 14-Nov-2006

Docket No. 2006-1984-PWS-E

PCW

Respondent WSWS Company

Policy Revision 2 (September 2002)

Case ID No. 31746

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN101218121

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 2

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

Violation Description Failed to obtain a sanitary control easment or an exception to the easement requirement that is approved by the Commission for well number one.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without a sanitary control easment for the well, contaminants could enter the well and customers of the water supply could be exposed to an insignificant amount of contaminants that does not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

27 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 \$4

Violation Final Penalty Total \$53

This violation Final Assessed Penalty (adjusted for limits) \$53

## Economic Benefit Worksheet

**Respondent:** WSWs Company  
**Case ID No.:** 31746  
**Reg. Ent. Reference No.:** RN101218121  
**Media:** Public Water Supply  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### 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)	\$100	18-Oct-2006	5-Sep-2007	0.9	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to provide sanitary easment controls. Date required is the date of the investigation. Final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

There are no avoided costs associated with this investigation.

Approx. Cost of Compliance

\$100

**TOTAL**

\$4

Screening Date 14-Nov-2006

Docket No. 2006-1984-PWS-E

PCW

Respondent WSWS Company

Policy Revision 2 (September 2002)

Case ID No. 31746

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN101218121

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 3

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

Violation Description Failed to provide the well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions. Specifically, the concrete sealing block did not extend three feet in all directions at the time of the investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 27

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

Violation Base Penalty \$100

One quarterly event is recommended based on the October 18, 2006 investigation date to the November 14, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$105

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

## Economic Benefit Worksheet

**Respondent:** WSWS Company  
**Case ID No.:** 31746  
**Reg. Ent. Reference No.:** RN101218121  
**Media:** Public Water Supply  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	18-Oct-2006	5-Sep-2007	0.9	\$1	\$29	\$31
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to extend the sealing block. Date required is the date of the investigation. Final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

There are no avoided costs associated with this investigation.

Approx. Cost of Compliance

\$500

**TOTAL**

\$31

Screening Date 14-Nov-2006

Docket No. 2006-1984-PWS-E

PCW

Respondent WSWS Company

Policy Revision 2 (September 2002)

Case ID No. 31746

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN101218121

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 4

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

Violation Description Failed to provide an all-weather access road to the well site.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to have access to the well site could make it difficult to access the well in heavy or sustained rainfall events or other weather related events.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 27

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 \$62

Violation Final Penalty Total \$53

This violation Final Assessed Penalty (adjusted for limits) \$53

## Economic Benefit Worksheet

**Respondent:** WSWS Company  
**Case ID No.:** 31746  
**Reg. Ent. Reference No.:** RN101218121  
**Media:** Public Water Supply  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	18-Oct-2006	5-Sep-2007	0.9	\$3	\$59	\$62
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to build an all-weather access road to the well site. Date required is the date of the investigation. Final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

There are no avoided costs associated with this investigation.

Approx. Cost of Compliance

\$1,000

TOTAL

\$62

Screening Date 14-Nov-2006

Docket No. 2006-1984-PWS-E

PCW

Respondent WSWS Company

Policy Revision 2 (September 2002)

Case ID No. 31746

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN101218121

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(1)

Violation Description Failed to provide the vent opening on the ground storage tank with a 16-mesh or finer corrosion-resistant screening. Specifically, the vent opening had no screen at the time of the investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes Failure to screen the vents on the ground storage tank could allow a significant amount of pollutants to enter the system which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$250

One monthly event is recommended based on the October 18, 2006 investigation date to the November 14, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$263

This violation Final Assessed Penalty (adjusted for limits) \$263

## Economic Benefit Worksheet

**Respondent** WSWs Company  
**Case ID No.** 31746  
**Reg. Ent. Reference No.** RN101218121  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$100	18-Oct-2006	5-Aug-2007	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

Estimated cost to adequately equip the ground storage tank system. Date required is the date of the investigation. Final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

There are no avoided costs associated with this investigation.

Approx. Cost of Compliance

\$100

**TOTAL**

\$6

Screening Date 14-Nov-2006

Docket No. 2006-1984-PWS-E

PCW

Respondent WSWS Company

Policy Revision 2 (September 2002)

Case ID No. 31746

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN101218121

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i)

Violation Description Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, a system with 92 connections requires a minimum production capacity of 55.2 gpm. On the date of the investigation the system was providing 36 gpm in production capacity, a 35% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to provide adequate well capacity could compromise the system's ability to provide an adequate supply of water.

Adjustment \$900

\$100

Violation Events

1 27 Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended based on the October 18, 2006 investigation date to the November 14, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$338

Violation Final Penalty Total \$105

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

## Economic Benefit Worksheet

**Respondent** WSWs Company  
**Case ID No.** 31746  
**Reg. Ent. Reference No.** RN101218121  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$5,000	18-Oct-2006	5-Oct-2007	1.0	\$16	\$321	\$338
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

Estimated cost to increase well production capacity to 55.2 gpm. Date required is the date of the investigation.  
 Final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

There are no avoided costs associated with this investigation.

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$338

Screening Date 14-Nov-2006

Docket No. 2006-1984-PWS-E

PCW

Respondent WSWWS Company

Policy Revision 2 (September 2002)

Case ID No. 31746

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN101218121

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iv)

Violation Description

Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, a system with 92 connections is required to provide 1,840 gallons of pressure storage. On the date of the investigation the system was providing 864 gallons of pressure storage, a 53% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

The lack of adequate pressure tank capacity could result in water outages potentially allowing a significant amount of contaminants to enter the water supply which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

1

27 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$250

One monthly event is recommended based on the October 18, 2006 investigation date to the November 14, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$169

Violation Final Penalty Total \$263

This violation Final Assessed Penalty (adjusted for limits) \$263

## Economic Benefit Worksheet

**Respondent:** WSWWS Company  
**Case ID No.:** 31746  
**Reg. Ent. Reference No.:** RN101218121  
**Media:** Public Water Supply  
**Violation No.:** 7

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$2,500	18-Oct-2006	5-Oct-2007	1.0	\$8	\$161	\$169
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

Estimated cost to increase the pressure tank capacity to a minimum of 20 gallons per connection. Date required is the date of the investigation. Final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

There are no avoided costs associated with this investigation.

Approx. Cost of Compliance

\$2,500

**TOTAL**

\$169

Screening Date 14-Nov-2006

Docket No. 2006-1984-PWS-E

PCW

Respondent WSWs Company

Policy Revision 2 (September 2002)

Case ID No. 31746

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN101218121

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(5)

Violation Description Failed to properly locate the inlet and outlet connections so as to prevent short-circuiting or stagnation of water within the ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

27 Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended based on the October 18, 2006 investigation date to the November 14, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$105

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

## Economic Benefit Worksheet

**Respondent:** WSWS Company  
**Case ID No.:** 31746  
**Reg. Ent. Reference No.:** RN101218121  
**Media:** Public Water Supply  
**Violation No.:** 8

<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

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)	\$200	18-Oct-2006	5-Aug-2007	0.8	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to locate the inlet and outlet connections. Date required is the investigation date. Final date is the estimated date of compliance.

### Avoided Costs

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

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
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this investigation.

Approx. Cost of Compliance	\$200	<b>TOTAL</b>	\$8
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# Compliance History Report

Customer/Respondent/Owner-Operator: CN600696231 WSW Company Classification: Rating:  
Regulated Entity: RN101218121 HIGH COUNTRY ESTATES Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0910112  
Location: West of FM 1417 on Pumping Jack Rd near Sherman,  
Grayson County, Texas  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: November 03, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: October 31, 2003 to October 31, 2008  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Tel Croston Phone: 239 -5717

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 04/14/2005 (377293)

2 10/30/2006 (511280)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

1

Date: 04/27/2005 (377293)

Self NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failure to provide a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accessible location.

Self NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to compile and maintain current a thorough plant operations manual for operator review and reference.

Self NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to make available sanitary control easements for the well at the time of inspection, or executive director approval for a substitute authorized in §290.41(c)(1)(F)(iv).

Self NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description: Failure to provide the well with a concrete sealing block extending at least 3 feet from the exterior well casing in all directions and sloped to drain away from the wellhead.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(P)

Description: Failure to provide an all-weather access road to the well site.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to maintain and make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to protect the vent openings on the ground storage tank with a 16-mesh or finer corrosion-resistant screening.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(5)

Description: Failure to properly locate the inlet and outlet connections so as to prevent short-circuiting or stagnation of water within the ground storage tank.

Self Report? NO Classification Moderate

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

Description: Failure to provide a well capacity of 0.6 gpm per connection.

Self Report? NO Classification Major

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

Description: Failure to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection.

Self Report? NO Classification Moderate

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

Description: Failure to provide a total storage capacity of 200 gallons per connection.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
WSWS COMPANY,  
RN101218121**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2006-1984-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding WSWS Company under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and WSWS Company, appear before the Commission and together stipulate that:

1. WSWS Company owns and operates a public water system west of Farm-to-Market Road 1417 on Pumping Jack Road in Grayson County, Texas (the "Facility") that has approximately 92 service connections and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(47).
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Commission and WSWS Company agree that the Commission has jurisdiction to enter this Agreed Order, and that WSWS Company is subject to the Commission's jurisdiction.
4. WSWS Company received notice of the violations alleged in Section II ("Allegations") on or about December 23, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by WSWS Company of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of one thousand fifty dollars (\$1,050.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). WSWS Company has paid one thousand fifty dollars (\$1,050.00) of the administrative penalty.
7. 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.
8. The Executive Director of the TCEQ and WSWS Company have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
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 WSWS Company 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

WSWS Company, as owner and operator of the Facility, is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 290.42(l) failing to compile a plant operations manual and keep it up-to-date for operator review and reference, as documented during a record review on October 18, 2006.
2. 30 TEX. ADMIN. CODE § 290.41(c)(1)(f) by failing to obtain a sanitary control easement or an exception to the easement requirement that is approved by the Commission for well number one, as documented during a record review on October 18, 2006.
3. 30 TEX. ADMIN. CODE § 290.41(c)(3)(J) by failing to provide the well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions, as documented during a record review on October 18, 2006. Specifically, the concrete sealing block did not extend three feet in all directions at the time of the investigation.

4. 30 TEX. ADMIN. CODE § 290.41(c)(3)(P) by failing to provide an all-weather access road to the well site, as documented during a record review on October 18, 2006.
5. 30 TEX. ADMIN. CODE § 290.43(c)(1) by failing to provide the vent opening on the ground storage tank with a 16-mesh or finer corrosion-resistant screening, as documented during a record review on October 18, 2006. Specifically, the vent opening had no screen at the time of the investigation.
6. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) by failing to provide a well capacity of 0.6 gallons per minute ("gpm") per connection, as documented during a record review on October 18, 2006. Specifically, a system with 92 connections requires a minimum production capacity of 55.2 gpm. On the date of the investigation, the system was providing 36 gpm in production capacity, a 35% deficiency.
7. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) by failing to provide a pressure tank capacity of 20 gallons per connection, as documented during a record review on October 18, 2006. Specifically, a system with 92 connections is required to provide 1,840 gallons of pressure storage. On the date of the investigation, the system was providing 864 gallons of pressure storage, a 53% deficiency.
8. 30 TEX. ADMIN. CODE § 290.43(c)(5) by failing to properly locate the inlet and outlet connections so as to prevent short-circuiting or stagnation of water within the ground storage tank, as documented during a record review on October 18, 2006.

### III. DENIALS

WSWS Company generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that WSWS Company pay administrative penalties as set forth in Section I, Paragraph 6 above. The payment of these administrative penalties and WSWS Company's compliance with all the terms and conditions set forth in this Agreed Order resolve only those matters described here. 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 sent with the notation "Re: WSWS Company; Docket No. 2006-1984-PWS-E" to:

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

2. WSWS Company shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, WSWS Company shall:
    - i. Compile and begin maintaining a plant operation manual, in accordance with 30 TEX. ADMIN. CODE § 290.42;
    - ii. Position the inlet and outlet connections on the ground storage tank as to prevent short-circuiting or stagnation, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
    - iii. Install a 16-mesh or finer corrosion-resistant screening to cover the vent on the ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.43.
  - b. Within 45 days after the effective date of this Agreed Order, WSWS Company shall:
    - i. Submit written certification, as described below in Ordering Provision 2.e., that demonstrates compliance with Ordering Provision 2.a.;
    - ii. Secure a sanitary easement covering all property within 150 feet of each well location or an exception approved by the Commission, as required by 30 TEX. ADMIN. CODE § 290.41; and
    - iii. Provide a concrete sealing block for the well that extends from the exterior casing a minimum of three feet in all directions, in accordance with 30 TEX. ADMIN. CODE § 290.41 around the well.
  - c. Within 90 days after the effective date of this Agreed Order, WSWS Company shall:
    - i. Submit written certification, as described below in Ordering Provision 2.e., that demonstrates compliance with Ordering Provisions 2.b.;
    - ii. Provide a well capacity of 0.6 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45; and

- iii. Provide an all weather access road to the well site, as required by 30 TEX. ADMIN. CODE § 290.41.
- d. Within 180 days after the effective date of this Agreed Order, WSWS Company shall:
  - i. Submit written certification, as described below in Ordering Provision 2.e., that demonstrates compliance with Ordering Provisions 2.c.; and
  - ii. Provide a pressure tank capacity of 20 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45.
- e. Within 195 days after the effective date of this Agreed Order, WSWS Company shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.d.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Manager, Water Section  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2301 Gravel Drive  
Fort Worth, Texas 76118-6951

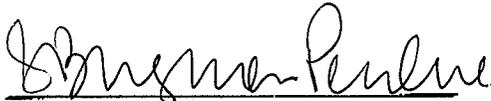
3. The provisions of this Agreed Order shall apply to and be binding upon WSWS Company. WSWS Company is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension 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 WSWS Company shall be made in writing to the Executive Director. Extensions are not effective until WSWS Company 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 WSWS Company 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 the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to WSWS Company, or three days after the date on which the Commission mails notice of the Order to WSWS Company, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

WSWS Company  
Docket No. 2006-1984-PWS-E  
Page 7

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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



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

11/3/08

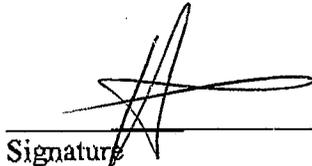
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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



\_\_\_\_\_  
Signature

9/10/08

\_\_\_\_\_  
Date

Robert J. Tate

\_\_\_\_\_  
Name (Printed or typed)

Authorized representative of  
WSWS Company

President

\_\_\_\_\_  
Title