

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2007-1133-PWS-E TCEQ ID: RN101451110 CASE NO.: 34190  
RESPONDENT NAME: MICHAEL SOZA DBA WATER VALLEY WATER CO-OP**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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

**SITE WHERE VIOLATION(S) OCCURRED:** South of State Highway 71, 1 mile east of Wolf Lane, east of Garfield, near the City of Cedar Creek, Travis County

**TYPE OF OPERATION:** Public water supply system

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on February 25, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019;  
Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

**TCEQ Enforcement Coordinator:** Ms. Yuliya Dunaway, Water Enforcement Section, MC R-13, (210) 490-3096

**TCEQ Regional Contact:** Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929

**Respondent:** Mr. Michael Soza, Owner, Water Valley Water Co-op, 2937 Highway 71 West, Cedar Creek, Texas 78612

**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b>                      None</p> <p><b>Dates of Investigations Relating to this Case:</b>                      April 1, 2007 and July 12, 2007</p> <p><b>Dates of NOV/NOEs Relating to this Case:</b>                      April 16, 2007, July 25, 2007 (NOEs)</p> <p><b>Background Facts:</b></p> <p>The EDPRP was filed on November 5, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that the Respondent received notice of the EDPRP. The Respondent failed to respond to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>PWS:</b></p> <p>(1) Failed to collect and submit routine monthly water samples for bacteriological analysis, and failed to provide public notice of the failure to sample, during the months of January 2005, April 2005, February 2006, October 2006, January 2007 and March 2007 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and TEX. HEALTH &amp; SAFETY CODE § 341.033(d)].</p> <p>(2) Failed to collect at least five routine water samples during the month following a total coliform-positive sample result, and failed to provide public notice of the failure to collect the appropriate number of samples, in May 2004 and December 2006 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A)].</p> <p>(3) Failed to secure a sanitary control easement covering all property within 150 feet of the water system's two active wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p>	<p><b>Total Assessed:</b> \$11,890</p> <p><b>Total Deferred:</b> \$0</p> <p><b>Total Due to General Revenue:</b> \$11,890</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</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>Technical Requirements:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>(1) Immediately:</p> <ul style="list-style-type: none"> <li>a. Begin collecting monthly bacteriological samples which are representative of the System's water system and implement procedures to ensure that monthly bacteriological sampling is properly performed;</li> <li>b. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply;</li> <li>c. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records;</li> <li>d. Begin maintaining a free chlorine residual of 0.2 mg/l throughout the distribution system at all times; and</li> <li>e. Begin completing customer service inspection certifications prior to providing continuous water service to new construction, on any existing service when there is reason to believe that cross connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.</li> </ul> <p>(2) Within 30 days:</p> <ul style="list-style-type: none"> <li>a. Install a casing vent for well No. 1 and ensure there are no openings or holes on the well or well appurtenances;</li> <li>b. Completely cover and begin properly maintaining the hypochlorination solution container to prevent the entrance of dust, insects, and other contaminants;</li> <li>c. Post a legible system ownership sign at each production, treatment, and storage facility;</li> </ul>

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>(4) Failed to provide a minimum pressure tank capacity of 50 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>(5) Failed to operate the disinfection equipment to maintain a free chlorine residual of 0.2 milligram per liter (“mg/L”) throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(2)(A)].</p> <p>(6) Failed to provide a suitable sampling cock on the discharge pipe of well pump No. 1 [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</p> <p>(7) Failed to post a legible sign that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>(8) Failed to notify the Executive Director prior to making any significant change or addition to the System’s pressure maintenance facilities [30 TEX. ADMIN. CODE § 290.39(j)].</p> <p>(9) Failed to provide a casing vent for well No. 1 [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p>(10) Failed to provide flow measuring devices for well Nos. 1 and 2 [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>(11) Failed to provide a facility operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>(12) Failed to have disinfection equipment installed so that continuous and effective disinfection of the water supply can be secured under all conditions [30 TEX. ADMIN. CODE § 290.42(e)(3)].</p> <p>(13) Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants [30 TEX. ADMIN. CODE § 290.42(e)(5)].</p>		<p>d. Develop and begin maintaining an up-to-date and thorough facility operations manual for operator review and reference;</p> <p>e. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>f. Obtain a test kit to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter using one of the methods approved by the Commission;</p> <p>g. Begin operating the System under the direct supervision of a Grade D or higher certified water works operator;</p> <p>h. Install disinfection equipment in a manner that the equipment would continue to operate and disinfect the water from well No. 2 in the event Well No. 1 fails to operate or malfunctions;</p> <p>i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the System’s facilities and equipment, including but not limited to, repairing and cleaning the well houses at well Nos. 1 and 2; and</p> <p>j. Pay all outstanding fees, including any associated penalties and interest.</p> <p>(3) Within 60 days:</p> <p>a. Install flow measuring devices at well Nos. 1 and 2 to measure both the raw water supplied to the System and the treated water leaving the System;</p> <p>b. Install a suitable sampling cock on the discharge pipe of well pump No. 1; and</p> <p>c. Submit proper notification to the Commission for the 85 gallon pressure tank that was added to the existing system;</p>

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>(14) Failed to operate the System under the direct supervision of a water works operator who holds a Class D or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH &amp; SAFETY CODE § 341.033(a)].</p> <p>(15) Failed to develop and maintain records of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)].</p> <p>(16) Failed to complete and maintain customer service inspection certificates prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross connections or other potential contaminant hazards may exist, or after any material improvement, correction, or addition to the private water distribution facilities of [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>(17) Failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the System's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>(18) Failed to obtain or utilize a test kit to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter [30 TEX. ADMIN. CODE § 290.110(d)(3)].</p> <p>(19) Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>(20) Failed to pay all annual and late Public Health Services fees for TCEQ Financial Administration Account No. 92270030 for Fiscal Years of 2002 through 2007 [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].</p>		<p>(4) Within 90 days:</p> <ul style="list-style-type: none"> <li>a. Obtain a sanitary control easement or Commission approval of exceptions to the easement requirement that covers the land within 150 feet of well Nos. 1 and</li> <li>b. Provide a pressure tank capacity of 50 gallons per connection.</li> </ul> <p>(5) Within 105 days, submit written certification to demonstrate compliance.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	2-Jul-2007	Screening	2-Aug-2007	EPA Due	1-Oct-2007
	PCW	11-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Michael Soza dba Water Valley Water Coop		
Reg. Ent. Ref. No.	RN101451110		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	34190	No. of Violations	20	
Docket No.	2007-1133-PWS-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway	
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* \$4,350

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

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

**Compliance History** 40% Enhancement *Subtotals 2, 3, & 7* \$1,740

Notes: The penalty enhancement is due to eight prior NOV's for same or similar violations as those in the current enforcement action.

**Culpability** No 0% Enhancement *Subtotal 4* \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction *Subtotal 5* \$0

Before NOV    NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

**Total EB Amounts** \$5,147    0% Enhancement\* *Subtotal 6* \$0  
**Approx. Cost of Compliance** \$23,300    \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* \$6,090

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 95% Adjustment \$5,800

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

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

*Final Penalty Amount* \$11,890

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* \$11,890

**DEFERRAL** 0% Reduction Adjustment \$0

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** \$11,890

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

### 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)	8	40%
	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) 40%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to eight prior NOVs for same or similar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date 2-Aug-2007

Docket No: 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and Tex. Health & Safety Code § 341.033(d)

Violation Description

Failed to collect and submit routine monthly water samples for bacteriological analysis and failed to provide public notice of the failure to sample during the months of January 2005, April 2005, February 2006, October 2006, January 2007 and March 2007.

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 perform bacteriological monitoring could result in customers of the water supply being exposed to a significant amount of undetected contaminants which would exceed levels that are protective of human health.

Adjustment

\$750

\$250

Violation Events

Number of Violation Events

6

180

Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty

\$1,500

Six monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$346

Violation Final Penalty Total

\$4,100

This violation Final Assessed Penalty (adjusted for limits)

\$4,100

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop  
 Case ID No: 34190  
 Reg. Ent. Reference No: RN101451110  
 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
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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	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs

### Avoided Costs

ANNUALIZE [M]: 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]	\$300	1-Jan-2005	1-Mar-2007	3.1	\$46	\$300	\$346
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to conduct monthly bacteriological sampling and provide public notification, calculated for the months in which the violations occurred.

Approx. Cost of Compliance

\$300

TOTAL

\$346

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No: 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator: Yuliya Dunaway

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(c)(2)(A)

Violation Description

Failed to collect at least five routine water samples during the month following a total coliform-positive sample result and failed to provide public notice of the failure to collect the appropriate number of samples in May 2004 and December 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to collect an appropriate number of routine samples could result in customers of the water supply being exposed to a significant amount of undetected contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

60 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.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$513

Violation Final Penalty Total \$1,367

This violation Final Assessed Penalty (adjusted for limits) \$1,367

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop

Case ID No: 34190

Reg. Ent. Reference No: RN101451110

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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$250	1-May-2004	1-Jun-2004	1.0	\$13	\$250	\$263
Other (as needed)	\$250	1-Dec-2006	1-Jan-2006	0.0	\$0	\$250	\$250

Notes for AVOIDED costs

The avoided costs include the amount to collect the required water samples for bacteriological analysis and provide public notification, calculated for the months in which the violations occurred.

Approx. Cost of Compliance

\$500

TOTAL

\$513

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failed to secure a sanitary control easement covering all property within 150 feet of the water system's two active wells. Specifically, at the time of the record review, there were no sanitary control easements for well Nos. 1 and 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to secure a sanitary control easement could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

Number of violation days 21

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$100

Two single events (one for each well) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$273

This violation Final Assessed Penalty (adjusted for limits) \$273

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop  
 Case ID No. 34190  
 Reg. Ent. Reference No. RN101451110  
 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
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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	\$400	12-Jul-2007	1-May-2008	0.8	\$16	n/a	\$16
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 secure a sanitary control easement and file the easements in the county courthouse, calculated from the date of the record review 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

\$400

TOTAL

\$16

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

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

Violation Description

Failed to provide a minimum pressure tank capacity of 50 gallons per connection. Specifically, during the record review, it was documented that the system provided a pressure tank capacity of 220 gallons. Based on the number of connections, the system is required to provide a minimum pressure tank capacity of 1,000 gallons.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Without sufficient pressure tank capacity (78% deficient), customers of the water system could experience water outages and backflow problems, and may allow a significant amount of contaminants to enter the water supply that would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

21 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 from the date of the record review, July 12, 2007, to the date of screening, August 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$564

Violation Final Penalty Total \$683

This violation Final Assessed Penalty (adjusted for limits) \$683

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop

Case ID No: 34190

Reg. Ent. Reference No. RN101451110

Media: Public Water Supply

Violation No: 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$10,000	12-Jul-2007	1-May-2008	0.8	\$27	\$537	\$564
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide a pressure tank capacity of 50 gallons per connection, calculated from the date of the record review 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

\$10,000

TOTAL

\$564

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(d)(2)(A)

Violation Description

Failed to operate the disinfection equipment to maintain a free chlorine residual of 0.2 milligram per liter ("mg/L") throughout the distribution system at all times. Specifically, at the time of the record review, a chlorine residual field test taken on January 25, 2006, at the valve at 2937 Highway 71 West revealed a chlorine residual of 0.03 mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the adequate chlorine residual could expose the customers of the water system to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

21 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 \$71

Violation Final Penalty Total \$273

This violation Final Assessed Penalty (adjusted for limits) \$273

## Economic Benefit Worksheet

**Respondent:** Michael Soza dba Water Valley Water Coop  
**Case ID No.:** 34190  
**Reg. Ent. Reference No.:** RN101451110  
**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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	25-Jan-2006	1-Feb-2008	2.0	\$3	\$67	\$71
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 making adjustments to the disinfection equipment to ensure that the adequate chlorine residual is maintained, calculated from the date of the chlorine residual field test 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:**

<b>Approx. Cost of Compliance</b>	\$500	<b>TOTAL</b>	\$71
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Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(M)

Violation Description

Failed to provide a suitable sampling cock on the discharge pipe of well pump No. 1.

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

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 well and 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

\$950

\$50

Violation Events

Number of Violation Events

1

21

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

\$5

Violation Final Penalty Total

\$137

This violation Final Assessed Penalty (adjusted for limits)

\$137

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop

Case ID No. 34190

Reg. Ent. Reference No. RN101451110

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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

### Delayed Costs

Equipment	\$100	12-Jul-2007	1-Apr-2008	0.7	\$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 costs include the amount to install a raw water sampling cock on the system's well, calculated from the date of the record review 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

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Adjustment

Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation-Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop

Case ID No: 34190

Reg. Ent. Reference No: RN101451110

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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

### Delayed Costs

Equipment	\$200	12-Jul-2007	1-Mar-2008	0.6	\$0	\$9	\$9
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 post a proper sign, calculated from the date of the record review 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

\$9

Screening Date 2-Aug-2007

Docket No: 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.39(j)

Violation Description

Failed to notify the executive director prior to making any significant change or addition to the system's pressure maintenance facilities. Specifically, at the time of the record review, it was noted that an 85 gallon pressure tank was added to the system without the initial notification to the executive director.

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

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

1

21

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 \$4

Violation Final Penalty Total \$273

This violation Final Assessed Penalty (adjusted for limits) \$273

## Economic Benefit Worksheet

**Respondent:** Michael Soza dba Water Valley Water Coop  
**Case ID No.:** 34190  
**Reg. Ent. Reference No.:** RN101451110  
**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)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	12-Jul-2007	1-Apr-2008	0.7	\$4	n/a	\$4
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 prepare and submit a proper notification to the agency prior to making any changes to the water system, calculated from the date of the record review 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:

\$4

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description

Failed to provide a casing vent for well No. 1. Specifically, at the time of the record review, it was documented that there was an opening on the well where the casing vent should be located.

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 provide the well with a casing vent and exposing the well with a large opening could result in customers of the water system being exposed 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 1

21 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 from the date of the record review, July 12, 2007, to the date of screening, August 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$683

This violation Final Assessed Penalty (adjusted for limits) \$683

## Economic Benefit Worksheet

**Respondent** Michael Soza dba Water Valley Water Coop  
**Case ID No.** 34190  
**Reg. Ent. Reference No.** RN101451110  
**Media** Public Water Supply  
**Violation No.** 9

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	\$400	12-Jul-2007	1-Mar-2008	0.6	\$1	\$17	\$18
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 provide the well with a casing vent, calculated from the date of the record review 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

\$400

TOTAL

\$18

Screening Date 2-Aug-2007

Docket No: 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No: RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yulya Dunaway

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
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 flow measuring devices for the system's wells could result in inaccurate or unavailable data of production yields of the water supplied to the customers.

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:** Michael Soza dba Water Valley Water Coop  
**Case ID No.:** 34190  
**Reg. Ent. Reference No.:** RN101451110  
**Media:** Public Water Supply  
**Violation No.:** 10

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$600	12-Jul-2007	1-Apr-2008	0.7	\$1	\$29	\$30
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	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs

The delayed costs include the amount to install flow measuring devices at the two active wells in the system, calculated from the date of the record review 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

\$600

TOTAL

\$30

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PGW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 11

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description

Failed to provide a facility operations manual 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

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

21 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 \$10

Violation Final Penalty Total \$273

This violation Final Assessed Penalty (adjusted for limits) \$273

## Economic Benefit Worksheet

**Respondent:** Michael Soza dba Water Valley Water Coop  
**Case ID No:** 34190  
**Reg. Ent. Reference No:** RN101451110  
**Media:** Public Water Supply  
**Violation No:** 11

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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	\$300	12-Jul-2007	1-Mar-2008	0.6	\$10	n/a	\$10
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 prepare and maintain a facility operations manual, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

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	\$300	<b>TOTAL</b>	\$10
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Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

V12 12

Rule Cite(s)

30 Tex. Admin. Code § 290.42(e)(3)

Violation Description

Failed to have disinfection equipment installed so that continuous and effective disinfection of the water supply can be secured under all conditions. Specifically, at the time of the record review, it was documented that the disinfection equipment is installed in such a manner that if well No. 1 failed to operate or malfunction, then the disinfection equipment would not operate and disinfect the water from well No. 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to properly install and operate disinfection equipment may allow a significant amount of contaminants enter the distribution system that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

21 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 from the date of the record review, July 12, 2007, to the date of screening, August 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$113

Violation Final Penalty Total \$683

This violation Final Assessed Penalty (adjusted for limits) \$683

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop  
 Case ID: No: 34190  
 Reg. Ent. Reference No: RN101451110  
 Media: Public Water Supply  
 Violation No: 12

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$2,000	12-Jul-2007	1-May-2008	0.8	\$5	\$107	\$113
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide disinfection equipment for well No. 2, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$113

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 13

Rule Cite(s)

30 Tex. Admin. Code § 290.42(e)(5)

Violation Description

Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants. Specifically, at the time of the investigation, the top of the hypochlorination solution container was not properly covered, leaving an opening around the lid.

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 proper containment of chemicals 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

21

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

\$9

Violation Final Penalty Total

\$137

This violation Final Assessed Penalty (adjusted for limits)

\$137

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop

Case ID No: 34190

Reg. Ent. Reference No: RN101451110

Media: Public Water Supply

Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	12-Jul-2007	1-Mar-2008	0.6	\$0	\$9	\$9
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 hypochlorination solution container, calculated from the date of the record review 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

\$9

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)

Violation Description Failed to operate the system under the direct supervision of a water works operator who holds a Class D or higher license.

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 of the water supply to employ a licensed operator could result in poor plant operation and expose the public to a significant amount of contaminants of improperly treated water at levels that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

21 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 from the date of the record review, July 12, 2007, to the date of screening, August 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,351

Violation Final Penalty Total \$683

This violation Final Assessed Penalty (adjusted for limits) \$683

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop

Case ID No: 34190

Reg. Ent. Reference No: RN101451110

Media: Public Water Supply

Violation No: 14

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	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$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	\$5,000	12-Jul-2007	1-Mar-2008	0.6	\$160	\$3,192	\$3,351
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

The avoided costs include the annual amount to employ a Class D water works operator, calculated from the date of the record review to the estimated date of compliance.

Approx. Cost of Compliance

\$5,000

TOTAL

\$3,351

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 15

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)

Violation Description

Failed to develop and maintain records of water works operation and maintenance activities.

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

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

21 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 \$14

Violation Final Penalty Total \$273

This violation Final-Assessed Penalty (adjusted for limits) \$273

## Economic Benefit Worksheet

**Respondent:** Michael Soza dba Water Valley Water Coop  
**Case ID No.:** 34190  
**Reg. Ent. Reference No.:** RN101451110  
**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
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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	\$500	12-Jul-2007	1-Feb-2008	0.6	\$14	n/a	\$14
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 develop and maintain records of water works operation and maintenance activities, calculated from the date of the record review 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

\$14

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 16

Rule Cite(s)

30 Tex. Admin. Code § 290.46(j)

Violation Description

Failed to complete and maintain customer service inspection certificates prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

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

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

21 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 \$11

Violation Final Penalty Total \$273

This violation Final Assessed Penalty (adjusted for limits) \$273

## Economic Benefit Worksheet

**Respondent:** Michael Soza dba Water Valley Water Coop  
**Case ID No.:** 34190  
**Reg. Ent. Reference No.:** RN101451110  
**Media:** Public Water Supply  
**Violation No.:** 16

Percent Interest	Years of Depreciation
5.0	16

Item Description: No commas or \$	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	\$400	12-Jul-2007	1-Feb-2008	0.6	\$11	n/a	\$11
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 initiate a customer service inspection program, calculated from the date of the record review 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

\$400

**TOTAL**

\$11

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 17

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the record review, the well houses for well Nos. 1 and 2 were in disrepair and there were many empty bleach bottles piled inside and around the well houses.

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

Failure to maintain the water system's well houses in good condition, could allow an insignificant amount of contaminants to enter the system which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

21 Number of violation days

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

Violation Base Penalty \$100

Two single events (one for each well) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$273

This violation Final Assessed Penalty (adjusted for limits) \$273

## Economic Benefit Worksheet

**Respondent:** Michael Soza dba Water Valley Water Coop  
**Case ID No:** 34190  
**Reg. Ent. Reference No:** RN101451110  
**Media:** Public Water Supply  
**Violation No:** 17

Percent Interest	Years of Depreciation
5.0	15

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

Item Description: No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				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)	\$1,000	12-Jul-2007	1-Mar-2008	0.6	\$32	n/a	\$32

Notes for DELAYED costs:

The delayed costs include the amount to repair and clean up the well houses, calculated from the date of the record review 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

\$32

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 18

Rule Cite(s)

30 Tex. Admin. Code § 290.110(d)(3)

Violation Description

Failed to obtain a test kit to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter.

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 have a chlorine 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 non-chlorinated water which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

21 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 from the date of the record review, July 12, 2007, to the date of screening, August 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$683

This-violation Final Assessed Penalty (adjusted for limits) \$683

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop

Case ID No: 34190

Reg. Ent. Reference No: RN101451110

Media: Public Water Supply

Violation No: 18

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$500	12-Jul-2007	1-Mar-2008	0.6	\$1	\$21	\$22
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to obtain a proper chlorine test, calculated from the date of the record review 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

\$22

Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No. 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 19

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 for the water system.

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

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

21 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 \$10

Violation Final Penalty Total \$273

This violation Final Assessed Penalty (adjusted for limits) \$273

## Economic Benefit Worksheet

**Respondent:** Michael Soza dba Water Valley Water Coop

**Case ID No.:** 34190

**Reg. Ent. Reference No.:** RN101451110

**Media:** Public Water Supply

**Violation No.:** 19

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	12-Jul-2007	1-Mar-2008	0.6	\$10	n/a	\$10
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 develop and maintain an up-to-date chemical and microbiological monitoring plan, calculated from the date of the record review 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	\$300	<b>TOTAL</b>	\$10
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Screening Date 2-Aug-2007

Docket No. 2007-1133-PWS-E

PCW

Respondent Michael Soza dba Water Valley Water Coop

Policy Revision 2 (September 2002)

Case ID No: 34190

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101451110

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 20

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(3) and Tex. Water Code § 5.702

Violation Description

Failed to pay all annual and late Public Health Services fees for TCEQ Financial Administration Account No. 92270030 for Fiscal Years of 2002 through 2007.

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

Percent 0%

Matrix Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

All penalties and interest will be assessed by the Financial Administration Division at the next billing cycle.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

## Economic Benefit Worksheet

Respondent: Michael Soza dba Water Valley Water Coop.

Case ID No: 34190

Reg. Ent. Reference No: RN101451110

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
------------------	-----------	---------------	------------	------	----------------	---------------	-----------

### 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

There is no economic benefit associated to this violation.

### 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

\$0

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN603197526 SOZA, MICHAEL	Classification:	Rating:
Regulated Entity:	RN101451110 WATER VALLEY WATER COOP	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		2270030
Location:	2937 STATE HIGHWAY 71 WEST, CEDAR CREEK, TX 78612		

TCEQ Region:	REGION 11 - AUSTIN
Date Compliance History Prepared:	July 06, 2007
Agency Decision Requiring Compliance History:	Enforcement
Compliance Period:	July 06, 2002 to July 06, 2007

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

Name: Yuliya Dunaway Phone: (210) 403-4077

### 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  | 07/02/2004 | (561085) |
| 2  | 03/03/2005 | (562549) |
| 3  | 05/31/2005 | (562558) |
| 4  | 02/23/2006 | (454557) |
| 5  | 03/22/2006 | (562567) |
| 6  | 11/21/2006 | (562583) |
| 7  | 01/26/2007 | (562738) |
| 8  | 02/21/2007 | (562750) |
| 9  | 04/25/2007 | (562756) |
| 10 | 06/25/2007 | (565067) |

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

- |              |  |          |                 |          |  |
|--------------|--|----------|-----------------|----------|--|
| Date:        | 07/02/2004   | (561085) |                 |          |  |
| Self Report? | NO   |          | Classification: | Moderate |  |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)  |          |                 |          |  |
| Description: | Failure to collect all of the 5 distribution samples in 05/2004 following a coliform found month.                    |          |                 |          |  |
| Self Report? | NO   |          | Classification: | Moderate |  |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  |          |                 |          |  |
| Description: | Failure to post PN for not collecting all of the 5 distribution samples in 05/2004 following a coliform found month. |          |                 |          |  |
| Date:        | 03/03/2005   | (562549) |                 |          |  |
| Self Report? | NO   |          | Classification: | Moderate |  |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  |          |                 |          |  |
| Description: | Failure to collect any routine monitoring sample(s) for 01/2005.   |          |                 |          |  |
| Self Report? | NO   |          | Classification: | Moderate |  |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  |          |                 |          |  |

Description: Failure to post PN for not collecting any routine monitoring sample(s) in 01/2005.  
Date: 05/31/2005 (562558)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 04/2005.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 04/2005.  
Date: 03/22/2006 (562567)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 02/2006.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 02/2006.  
Date: 11/21/2006 (562583)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 10/2006.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 10/2006.  
Date: 01/26/2007 (562738)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)  
Description: Failure to collect any of the 5 distribution samples in 12/2006 following a coliform found month.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any of the 5 distribution samples in 12/2006 following a coliform found month.  
Date: 02/21/2007 (562750)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 01/2007.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 01/2007.  
Date: 04/25/2007 (562756)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 03/2007.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 03/2007.

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

## Compliance History

Customer/Respondent/Owner-Operator:	CN600251615 City Of San Angelo	Classification: AVERAGE	Rating: 4.59
Regulated Entity:	RN102289576 CITY OF SAN ANGELO LANDFILL	Classification: AVERAGE	Site Rating: 2.21
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	TG0138P
	AIR OPERATING PERMITS	PERMIT	1717
	MUNICIPAL SOLID WASTE DISPOSAL	PERMIT	79
	MUNICIPAL SOLID WASTE DISPOSAL	PERMIT	47020
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	TG0138P
	AIR NEW SOURCE PERMITS	REGISTRATION	77513
	AIR NEW SOURCE PERMITS	REGISTRATION	77515
	STORMWATER	PERMIT	TXR05Q479
	MUNICIPAL SOLID WASTE PROCESSING	PERMIT	47020
	Location:	3002 OLD BALLINGER HWY, SAN ANGELO, TX, 76905	Rating Date: September 01 05
TCEQ Region:	REGION 08 - SAN ANGELO		
Date Compliance History Prepared:	May 26, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	May 25, 2001 to May 25, 2006		

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

Name: Audra Ruble Phone: 361-825-3126

### 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.
- Effective Date: 04/29/2006 ADMINORDER 2005-0653-MSW-E
- Classification: Moderate
- Citation: 30 TAC Chapter 330, SubChapter F 330.111
- Rqmt Prov: LGMP, 4.4 GMP Inspection and Maintenance PERMIT
- Description: Failed to perform maintenance on the landfill gas system. Specifically, it was noted that in the vicinity of GMP 10 and 10A, a turbine had been completely removed from the top of the vent and one turbine was crooked and not spinning like the other turbines. Four vent pipes between grid markers 32 and 33 were broken.
- Classification: Moderate
- Citation: 30 TAC Chapter 330, SubChapter E 330.56(n)(1)(B)
- Description: Failed to maintain landfill gas levels below the lower explosive limit of 5% at the facility boundary. Specifically, methane gas measurements were collected at Gas Monitoring Probes 4, 5, 10 and 10A.
- Classification: Minor
- Citation: 30 TAC Chapter 330, SubChapter F 330.111
- Rqmt Prov: LGMP, Section 4.2.5 PERMIT
- Description: Failed to construct concrete pads to meet Landfill Gas Management Plan criteria for GMPs 10 and 10A and failed to have any protective barriers for GMPs 10 and 10A.
- Classification: Minor
- Citation: 30 TAC Chapter 330, SubChapter F 330.111
- Rqmt Prov: LGMP, Section 4.2.3, Casing PERMIT
- Description: Failed to clearly and permanently mark the elevation point on the rims of the casings. Specifically, none of the 14 casings had been marked with elevation points.
- 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 08/22/2002 (6366)  
2 05/12/2006 (463493)  
3 11/07/2003 (253173)  
4 03/25/2004 (267110)  
5 04/04/2003 (29826)  
6 01/12/2004 (257927)  
7 09/23/2004 (293084)  
8 10/13/2004 (337445)  
9 05/19/2006 (466978)  
10 07/11/2005 (393839)  
11 02/26/2003 (26034)  
12 07/11/2005 (393892)  
13 02/24/2006 (435439)  
14 11/22/2004 (340809)  
15 03/29/2004 (267441)  
16 09/21/2005 (432572)  
17 01/21/2005 (343492)

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

N/A

Date: 01/12/2004 (257927)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 330, SubChapter F 330.133(a)  
Description: Failure to provide daily cover to working face at the end of each operating day.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 330, SubChapter F 330.118  
Description: Failure to keep permitted site secure.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 330, SubChapter F 330.138  
Description: Failure to provide proper waste screening of loads entering the landfill.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 330, SubChapter F 330.111  
Description: Failure to follow the site operating plan and permit. Deviation of SOP and Permit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 330, SubChapter F 330.122  
Description: Failure to Install all required markers including site boundary markers, buffer zone markers, easement markers for pipeline, grid markers as set forth in 30 TAC §330.122.  
Date: 11/07/2003 (253173)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 330, SubChapter E 330.56(n)(1)(B)  
30 TAC Chapter 330, SubChapter F 330.111  
Description: Failure to ensure that the concentration of methane gas has not exceeded the lower explosive limit for methane at the regulated entity property boundary.  
Date: 10/13/2004 (337445)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 330, SubChapter E 330.56(n)(1)(B)  
Description: Failure to maintain landfill gas levels below lower explosive limit at the facility boundary.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 330, SubChapter F 330.111  
Description: Failure to follow City of San Angelo permit modification, Landfill Gas Management Plan, contingency plan, dated April 9, 1994.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 330, SubChapter F 330.111  
Description: Failure to follow City of San Angelo permit modification according to Landfill Gas Management Plan, contingency plan, dated April 9, 1994.

Date: 04/04/2003 (29826)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 330, SubChapter F 330.133(a)

Description: Failure to apply daily cover at the end of the day.

Date: 07/11/2005 (393892)  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter A 330.5(a)[G]  
Description: Failure to manage a solid waste in a manner so as to prevent a discharge or prevent the endangerment of the human health and welfare or the environment.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 330, SubChapter F 330.111[G]

Description: Failure to follow the approved December 12, 1994 Ground-Water Sampling and Analysis Plan.

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  
MICHAEL SOZA DBA  
WATER VALLEY WATER CO-OP;  
RN101451110

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2007-1133-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Michael Soza dba Water Valley Water Co-op ("Mr. Soza").

The Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Mr. Soza owns and operates a public water supply system located south of State Highway 71, 1 mile east of Wolf Lane, east of Garfield, near the city of Cedar Creek, in Travis County, Texas (the "System").
2. The System provides water for human consumption, has 17 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the System is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(47).
3. During a record review conducted on April 1, 2007, a TCEQ Central Office investigator documented that Mr. Soza:
  - a. Failed to collect and submit routine monthly water samples for bacteriological analysis, and failed to provide public notice of the failure to sample, during the months of January 2005, April 2005, February 2006, October 2006, January 2007 and March 2007; and
  - b. Failed to collect at least five routine water samples during the month following a total coliform-positive sample result, and failed to provide public notice of the failure to collect the appropriate number of samples, in May 2004 and December 2006.

- 
4. During an investigation conducted on July 12, 2007, a TCEQ Austin Regional Office Investigator documented that Mr. Soza:
- a. Failed to secure a sanitary control easement covering all property within 150 feet of the water system's two active wells. Specifically, at the time of the record review, there were no sanitary control easements for well Nos. 1 and 2;
  - b. Failed to provide a minimum pressure tank capacity of 50 gallons per connection. Specifically, the System provided a pressure tank capacity of 220 gallons. Based on the number of connections, the System is required to provide a minimum pressure tank capacity of 1,000 gallons;
  - c. Failed to operate the disinfection equipment to maintain a free chlorine residual of 0.2 milligram per liter ("mg/L") throughout the distribution system at all times. Specifically, a chlorine residual field test taken on January 25, 2006, at the valve at 2937 Highway 71 West revealed a chlorine residual of 0.03 mg/L;
  - d. Failed to provide a suitable sampling cock on the discharge pipe of well pump No. 1;
  - e. Failed to post a legible sign that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted;
  - f. Failed to notify the Executive Director prior to making any significant change or addition to the System's pressure maintenance facilities. Specifically, an 85 gallon pressure tank was added to the System without the initial notification to the Executive Director;
  - g. Failed to provide a casing vent for well No. 1. Specifically, there was an opening on the well where the casing vent should be located;
  - h. Failed to provide flow measuring devices for well Nos. 1 and 2;
  - i. Failed to provide a facility operations manual for operator review and reference;
  - j. Failed to have disinfection equipment installed so that continuous and effective disinfection of the water supply can be secured under all conditions. Specifically, the disinfection equipment is installed in such a manner that if well No. 1 failed to operate or malfunction, the disinfection equipment would not operate and not disinfect the water from well No. 2;

- 
- k. Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants. Specifically, the top of the hypochlorination solution container was not properly covered, leaving an opening around the lid;
  - l. Failed to operate the System under the direct supervision of a water works operator who holds a Class D or higher license;
  - m. Failed to develop and maintain records of water works operation and maintenance activities;
  - n. Failed to complete and maintain customer service inspection certificates prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross connections or other potential contaminant hazards may exist, or after any material improvement, correction, or addition to the private water distribution facilities;
  - o. Failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the System's facilities and equipment. Specifically, the well houses for well Nos. 1 and 2 were in disrepair and there were many empty bleach bottles piled inside and around the well houses;
  - p. Failed to obtain or utilize a test kit to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter;
  - q. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system; and
  - r. Failed to pay all annual and late Public Health Services fees for TCEQ Financial Administration Account No. 92270030 for Fiscal Years of 2002 through 2007.
5. Mr. Soza received notice of the violations in paragraphs 3.a. and b. on or about April 21, 2007. Mr. Soza received notice of the violations in paragraphs 4.a. through 4.r. on or about July 30, 2007.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Michael Soza dba Water Valley Water Co-op" (the "EDPRP") in the TCEQ Chief Clerk's office on November 5, 2007.

7. By letter dated November 5, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Soza with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Mr. Soza received notice of the EDPRP.
8. More than 20 days have elapsed since Mr. Soza received notice of the EDPRP, provided by the Executive Director. Mr. Soza failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Soza is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Mr. Soza failed to collect and submit routine monthly water samples for bacteriological analysis, and failed to provide public notice of the failure to sample, during the months of January 2005, April 2005, February 2006, October 2006, January 2007 and March 2007, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Finding of Fact No. 3.b., Mr. Soza failed to collect at least five routine water samples during the month following a total coliform-positive sample result, and failed to provide public notice of the failure to collect the appropriate number of samples, in May 2004 and December 2006, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A).
4. As evidenced by Finding of Fact No. 4.a., Mr. Soza failed to secure a sanitary control easement covering all property within 150 feet of the water system's two active wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
5. As evidenced by Finding of Fact No. 4.b., Mr. Soza failed to provide a minimum pressure tank capacity of 50 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
6. As evidenced by Finding of Fact No. 4.c., Mr. Soza failed to operate the disinfection equipment to maintain a free chlorine residual of 0.2 milligram per liter ("mg/L") throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A).

7. As evidenced by Finding of Fact No. 4.d., Mr. Soza failed to provide a suitable sampling cock on the discharge pipe of well pump No. 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M).
8. As evidenced by Finding of Fact No. 4.e., Mr. Soza failed to post a legible sign that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
9. As evidenced by Finding of Fact No. 4.f., Mr. Soza failed to notify the Executive Director prior to making any significant change or addition to the System's pressure maintenance facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j).
10. As evidenced by Finding of Fact No. 4.g., Mr. Soza failed to provide a casing vent for well No. 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
11. As evidenced by Finding of Fact No. 4.h., Mr. Soza failed to provide flow measuring devices for well Nos. 1 and 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).
12. As evidenced by Finding of Fact No. 4.i., Mr. Soza failed to provide a facility operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
13. As evidenced by Finding of Fact No. 4.j., Mr. Soza failed to have disinfection equipment installed so that continuous and effective disinfection of the water supply can be secured under all conditions, in violation of TEX. ADMIN. CODE § 290.42(e)(3).
14. As evidenced by Finding of Fact No. 4.k., Mr. Soza failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5).
15. As evidenced by Finding of Fact No. 4.l., Mr. Soza failed to operate the System under the direct supervision of a water works operator who holds a Class D or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a).
16. As evidenced by Finding of Fact No. 4.m., Mr. Soza failed to develop and maintain records of water works operation and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.46(f).
17. As evidenced by Finding of Fact No. 4.n., Mr. Soza failed to complete and maintain customer service inspection certificates prior to providing continuous water service to new

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- construction, on any existing service when the water purveyor has reason to believe that cross connections or other potential contaminant hazards may exist, or after any material improvement, correction, or addition to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
18. As evidenced by Finding of Fact No. 4.o., Mr. Soza failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the System's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
  19. As evidenced by Finding of Fact No. 4.p., Mr. Soza failed to obtain or utilize a test kit to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter, in violation of 30 TEX. ADMIN. CODE § 290.110(d)(3).
  20. As evidenced by Finding of Fact No. 4.q., Mr. Soza failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system, in violation of 30 TEX. ADMIN. CODE § 290.121(a).
  21. As evidenced by Finding of Fact No. 4.r., Mr. Soza failed to pay all annual and late Public Health Services fees for TCEQ Financial Administration Account No. 92270030 for Fiscal Years of 2002 through 2007, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702.
  22. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served Mr. Soza with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
  23. As evidenced by Finding of Fact No. 8, Mr. Soza failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Soza and assess the penalty recommended by the Executive Director.
  24. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Soza for violations of the Texas Water Code and the Texas Health & Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

25. An administrative penalty in the amount of eleven thousand eight hundred ninety dollars (\$11,890.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
26. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Soza is assessed an administrative penalty in the amount of eleven thousand eight hundred ninety dollars (\$11,890.00) for violations of state statutes and the rules of the TCEQ. The payment of this administrative penalty and Mr. Soza's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Michael Soza dba Water Valley Water Co-op; Docket No. 2007-1133-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. Mr. Soza shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, Mr. Soza shall:
    - i. Begin collecting monthly bacteriological samples which are representative of the System's water system and implement procedures to ensure that monthly bacteriological sampling is properly performed, as required by 30 TEX. ADMIN. CODE § 290.109;

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- ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply, as required by 30 TEX. ADMIN. CODE § 290.122;
  - iii. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, as required by 30 TEX. ADMIN. CODE § 290.46;
  - iv. Begin maintaining a free chlorine residual of 0.2 mg/l throughout the distribution system at all times, as required by 30 TEX. ADMIN. CODE § 290.46; and
  - v. Begin completing customer service inspection certifications prior to providing continuous water service to new construction, on any existing service when there is reason to believe that cross connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities, as required by 30 TEX. ADMIN. CODE § 290.46
- b. Within 30 days after the effective date of this Order, Mr. Soza shall:
- i. Install a casing vent for well No. 1 and ensure there are no openings or holes on the well or well appurtenances, as required by 30 TEX. ADMIN. CODE § 290.41;
  - ii. Completely cover and begin properly maintaining the hypochlorination solution container to prevent the entrance of dust, insects, and other contaminants, as required by 30 TEX. ADMIN. CODE § 290.42;
  - iii. Post a legible system ownership sign at each production, treatment, and storage facility, as required by 30 TEX. ADMIN. CODE § 290.46;
  - iv. Develop and begin maintaining an up-to-date and thorough facility operations manual for operator review and reference, as required by 30 TEX ADMIN. CODE § 290.42;
  - v. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121;

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- vi. Obtain a test kit to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter using one of the methods approved by the Commission, as required by 30 TEX. ADMIN. CODE § 290.110;
  - vii. Begin operating the System under the direct supervision of a Grade D or higher certified water works operator, as required by 30 TEX. ADMIN. CODE § 290.46;
  - viii. Install disinfection equipment in a manner that the equipment would continue to operate and disinfect the water from well No. 2 in the event Well No. 1 failed to operate or malfunction, as required by 30 TEX. ADMIN. CODE § 290.42(e)(3);
  - ix. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the System's facilities and equipment, including but not limited to, repairing and cleaning the well houses at well Nos. 1 and 2, as required by 30 TEX. ADMIN. CODE § 290.46; and
  - x. Pay all outstanding fees, including any associated penalties and interest and with the notation "Michael Soza dba Water Valley Water Co-op, TCEQ Financial Administration Account No. 92270030" 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

with a copy to:

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

- c. Within 60 days after the effective date of this order, Mr. Soza shall:

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- i. Install flow measuring devices at well Nos. 1 and 2 to measure both the raw water supplied to the System and the treated water leaving the System, as required by 30 TEX. ADMIN. CODE § 290.42;
  - ii. Install a suitable sampling cock on the discharge pipe of well pump No. 1, as required by 30 TEX. ADMIN. CODE § 290.41; and
  - iii. Submit proper notification to the Commission for the 85 gallon pressure tank that was added to the existing system, as required by 30 TEX. ADMIN. CODE § 290.39;
- d. Within 90 days after the effective date of the Commission Order, Mr. Soza shall:
- i. Obtain a sanitary control easement or Commission approval of exceptions to the easement requirement that covers the land within 150 feet of well Nos. 1 and 2, as required by 30 TEX. ADMIN. CODE § 290.41; and
  - ii. Provide a pressure tank capacity of 50 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45
- e. Within 105 days after the effective date of this Order, Mr. Soza shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with these Ordering Provisions. 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.”

Mr. Soza shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

with a copy to:

Carolyn Runyon, Water Section, Manager  
Austin Regional Office  
Texas Commission on Environmental Quality  
2800 S IH 35, Suite 100  
Austin, TX 78704-5712

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Soza. Mr. Soza is ordered to give notice of this Order to personnel who maintain day-to-day control over the System operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Soza shall be made in writing to the Executive Director. Extensions are not effective until Mr. Soza receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Soza if the Executive Director determines that Mr. Soza has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Michael Soza dba Water Valley Co-op  
Docket No. 2007-1133-PWS-E  
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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF LENA ROBERTS**

STATE OF TEXAS       §  
  §  
COUNTY OF TRAVIS   §

“My name is Lena Roberts. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Michael Soza dba Water Valley Water Co-op” (the “EDPRP”) was filed with the Office of the Chief Clerk on November 5, 2007.

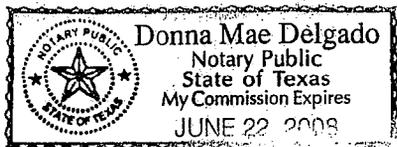
The EDPRP was mailed to Mr. Soza at his last known address on November 5, 2007, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as “unclaimed.” The first class mail has not been returned, indicating that Mr. Soza received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

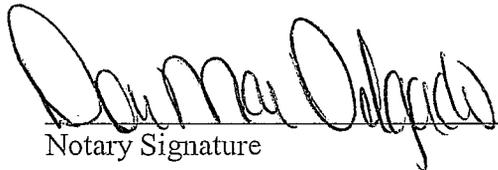
More than 20 days have elapsed since Mr. Soza received notice of the EDPRP. Mr. Soza failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”

  
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Lena Roberts, Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Lena Roberts, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 21<sup>st</sup> day of December, A.D., 2007.



  
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Notary Signature