

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-2014-PWS-E **TCEQ ID:** RN101458776 and RN101250538 **CASE NO.:** 35099

**RESPONDENT NAME:** Rincon Water Supply Corporation

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Rincon WSC Division II, and Rincon WSC Division III, 8896 County Road 1458, Taft, San Patricio County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 26, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. John E. Wolfe, Board President, Rincon Water Supply Corporation, P.O. Box 7, Taft, Texas 78390  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 12, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 29, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p><b>Facility 1:</b></p> <p>1) Failed to maintain a chloramine residual of 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B), and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>2) Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].</p> <p>3) Failed to make available to the Executive Director the water purchase contract so that production, storage, service pump, or pressure maintenance capacity may be properly evaluated [30 TEX. ADMIN. CODE § 290.45(f)(1)].</p> <p>4) Failed to maintain potable water storage tanks thoroughly tight against leakage [30 TEX. ADMIN. CODE § 290.43(c)(6)].</p> <p>5) Failed to inspect the pressure tank annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>6) Failed to submit a Quarterly Distribution Report by a public water system that uses purchased water or ground water sources [30 TEX. ADMIN. CODE § 290.110(e)(4)].</p>	<p><b>Total Assessed:</b> \$3,071</p> <p><b>Total Deferred:</b> \$614  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$2,457</p> <p><b>Total Paid to General Revenue:</b> \$0</p> <p>RN101458776 ("Facility 1") and RN101250538 ("Facility 2")  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin maintaining a chloramine residual disinfectant concentration at a minimum of 0.5 mg/L throughout the distribution system at Facility 1 and 2; and</p> <p>ii. Begin daily monitoring and recording of the disinfectant residual at representative locations throughout the distribution system at Facility 2.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification of compliance that demonstrates compliance with Ordering Provision 2.a.;</p> <p>ii. Obtain and make available a contract that will specify an adequate production capacity and service pump capacity for a purchased water system at Facility 1 and 2; and</p> <p>iii. Commence flushing all dead-end mains at monthly intervals or more frequently if water quality complaints are received from water customers at Facility 1 and 2.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.b.</p> <p>d. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Ensure that all water storage facilities are maintained in a watertight condition, including but not limited to repairing a leak in the 33,000 gallon storage tank at Facility 1; and</p>

<p><b>Facility 2:</b></p> <p>1) Failed to maintain a chloramine residual of 0.5 mg/L throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B), and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>2) Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(5)(B)].</p> <p>3) Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(1)].</p> <p>4) Failed to make available to the Executive Director the water purchase contract so that production, storage, service pump, or pressure maintenance capacity may be properly evaluated [30 TEX. ADMIN. CODE § 290.45(f)(1)].</p> <p>5) Failed to submit a Quarterly Distribution Report by a public water system that uses purchased water or ground water sources [30 TEX. ADMIN. CODE § 290.110(e)(4)].</p>		<p>ii. Conduct an annual inspection of the water system's pressure tank at Facility 1.</p> <p>e. Within 75 days after the effective date of this Agreed Order, submit written certification with Ordering Provision 2.d.</p> <p>f. Within 90 days after the effective date of this Agreed Order, prepare and begin submitting Quarterly Distribution Reports for a public water system at Facility 1 and 2.</p> <p>g. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.f.</p>
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Additional ID No(s): PWS ID NO. 2050057



**Attachment A**  
**Docket Number: 2007-2014-PWS-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Rincon Water Supply Corporation</b>
<b>Payable Penalty Amount:</b>	<b>Two Thousand Four Hundred Fifty-Seven Dollars (\$2,457)</b>
<b>SEP Amount:</b>	<b>Two Thousand Four Hundred Fifty-Seven Dollars (\$2,457)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Audubon Society-North Bay Sanctuary Project</b>
<b>Location of SEP:</b>	<b>San Patricio County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. The Coastal Bend Audubon Society owns the North Bay Sanctuary. It is a 75-acre, largely wooded tract containing a 5-acre pond. The site includes a 12-foot viewing tower that can accommodate 15 people on the upper platform. Specifically, the contribution will be used to maintain the existing roads in the sanctuary, control Prickly Pear Cacti in a 20-acre section of the sanctuary, and assist in the removal of invasive reeds and other plants from the eastern section of the pond.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by enhancing the area for water and migrant birds as well as improving accessibility to the sanctuary.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Ms. Marnie Francell, Program Director  
Audubon Texas  
427 Sterzing Street  
Austin, Texas 78704

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear



statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	3-Dec-2007	Screening	12-Dec-2007	EPA Due	
	PCW	20-Dec-2007				

**RESPONDENT/FACILITY INFORMATION**

Respondent	Rincon Water Supply Corporation	
Reg. Ent. Ref. No.	RN101250538	Rincon WSC Division III
Facility/Site Region	14-Corpus Christi	Major/Minor Source
		Minor

**CASE INFORMATION**

Enf./Case ID No.	35099	No. of Violations	5
Docket No.	2007-2014-PWS-E	Order Type	1660
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**

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

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

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

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

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

Before NOV    NOV to EDPRP/Settlement Offer

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

Notes

Enhancement\* **Subtotal 6**

Total EB Amounts	\$433	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,590	

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

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

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

<b>Screening Date</b>	12-Dec-2007	<b>Docket No.</b>	2007-2014-PWS-E	<b>PCW</b>
<b>Respondent</b>	Rincon Water Supply Corporation	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b>	35099	<small>PCW Revision November 6, 2007</small>		
<b>Reg. Ent. Reference No.</b>	RN101250538	Rincon WSC Division III		
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yullya 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 ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<small>Please Enter Yes or No</small>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

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

N/A	<b>Adjustment Percentage (Subtotal 3)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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>> **Compliance History Person Classification (Subtotal 7)**

N/A	<b>Adjustment Percentage (Subtotal 7)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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>> **Compliance History Summary**

<b>Compliance History Notes</b>	No enhancement recommended due to no previous compliance history.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

<b>Screening Date</b>	12-Dec-2007	<b>Docket No.</b>	2007-2014-PWS-E	<b>PCW</b>
<b>Respondent</b>	Rincon Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35099	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101250538	Rincon WSC Division III		
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.110(b)(4) and 290.46(d)(2)(B), and Tex. Health & Safety Code § 341.0315(c)
<b>Violation Description</b>	Failed to maintain a chloramine residual of 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, field tests conducted at the 6000 block of Highway 77 on October 12, 2007 and 6831 Highway 77 on October 30, 2007 recorded a chloramine residual of 0.05 mg/L and 0.13 mg/L, respectively.
<b>Base Penalty</b>	\$1,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual			
	Potential	x		10%

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				
				0%

**Matrix Notes**  
 If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

<b>Adjustment</b>	\$900
	\$100

Violation Events

Number of Violation Events	2	Number of violation days	2
<i>mark only one with an x</i>	daily		<b>Violation Base Penalty</b>
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
Two single events are recommended.			

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	\$250
<b>Violation Final Penalty Total</b>	\$265
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$265

## Economic Benefit Worksheet

**Respondent:** Rincon Water Supply Corporation  
**Case ID No.:** 35099  
**Reg. Ent. Reference No.:** RN101250538      Rincon WSC Division III  
**Media:** Public Water Supply  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$250	12-Oct-2007	30-Oct-2007	0.0	\$0	\$250	\$250
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount for additional maintenance, oversight, and an increase in chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated from the date of the investigation to the date of the last field test.

Approx. Cost of Compliance

\$250

**TOTAL**

\$250

<b>Screening Date</b> 12-Dec-2007	<b>Docket No.</b> 2007-2014-PWS-E	<b>PCW</b>
<b>Respondent</b> Rincon Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35099	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101250538	Rincon WSC Division III	
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Yuliya Dunaway		
<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(c)(5)(B)	
<b>Violation Description</b>	Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day.	
<b>Base Penalty</b>	\$1,000	

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual				
Potential	x			<b>Percent</b> 25%	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%

**Matrix Notes**  
 Failure to monitor the disinfectant residual on a daily basis could result in customers of the water supply being exposed to a significant amount of contaminants which could exceed levels protective of human health.

**Adjustment** \$750  
 **\$250**

**Violation Events**

Number of Violation Events 2      61 Number of violation days

*mark only one with an x*

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$500

Two monthly events are recommended from the date of the investigation, October 12, 2007, to the date of screening, December 12, 2007.

**Economic Benefit (EB) for this violation      Statutory Limit Test**

**Estimated EB Amount** \$84      **Violation Final Penalty Total** \$663

**This violation Final Assessed Penalty (adjusted for limits)** \$663

## Economic Benefit Worksheet

**Respondent:** Rincon Water Supply Corporation  
**Case ID No.:** 35099  
**Reg. Ent. Reference No.:** RN101250538      Rincon WSC Division III  
**Media:** Public Water Supply  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$80	12-Oct-2007	12-Dec-2007	1.1	\$4	\$80	\$84

Notes for AVOIDED costs

The avoided costs include the amount to perform daily monitoring of the disinfectant residual in the system (\$10 per week), calculated from the date of the investigation to the screening date.

Approx. Cost of Compliance

\$80

TOTAL

\$84

<b>Screening Date</b>	12-Dec-2007	<b>Docket No.</b>	2007-2014-PWS-E	<b>PCW</b>
<b>Respondent</b>	Rincon Water Supply Corporation	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	35099	PCW Revision November 6, 2007		
<b>Reg. Ent. Reference No.</b>	RN101250538	Rincon WSC Division III		
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

mark only one with an x

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

**Violation Base Penalty**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Rincon Water Supply Corporation  
**Case ID No.** 35099  
**Reg. Ent. Reference No.** RN101250538 Rincon WSC Division III  
**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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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	\$1,000	12-Oct-2007	1-Sep-2008	0.9	\$45	n/a	\$45
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 flushing program at monthly intervals, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$45

<b>Screening Date</b>	12-Dec-2007	<b>Docket No.</b>	2007-2014-PWS-E	<b>PCW</b>
<b>Respondent</b>	Rincon Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35099	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101250538	Rincon WSC Division III		
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

*mark only one with an x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
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** Rincon Water Supply Corporation  
**Case ID No.** 35099  
**Reg. Ent. Reference No.** RN101250538 Rincon WSC Division III  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	12-Oct-2007	1-Sep-2008	0.9	\$1	\$12	\$12
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the amount to maintain and make available a water purchase contract, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$200

**TOTAL**

\$12

<b>Screening Date</b> 12-Dec-2007	<b>Docket No.</b> 2007-2014-PWS-E	<b>PCW</b>		
<b>Respondent</b> Rincon Water Supply Corporation		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 35099		<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b> RN101250538	Rincon WSC Division III			
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Yuliya Dunaway				
<b>Violation Number</b>	5			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(e)(4)			
<b>Violation Description</b>	Failed to submit a Quarterly Distribution Report by a public water system that uses purchased water or ground water sources. Specifically, the water system failed to submit Quarterly Distribution Reports for the first, second and third quarters of 2007.			
	<b>Base Penalty</b>	\$1,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	0%	
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	10%	
<b>Matrix Notes</b>	100% of the rule requirements were not met.			
	<b>Adjustment</b>	\$900		
			\$100	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	3	<b>Number of violation days</b>	
		270		
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x	\$300	
	Three single events (one per report) are recommended.			
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
	<b>Estimated EB Amount</b>	\$42	<b>Violation Final Penalty Total</b>	
			\$398	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$398	

## Economic Benefit Worksheet

**Respondent:** Rincon Water Supply Corporation  
**Case ID No.:** 35099  
**Reg. Ent. Reference No.:** RN101250538      Rincon WSC Division III  
**Media:** Public Water Supply  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$60	1-Jan-2007	31-Aug-2007	0.7	\$2	\$40	\$42
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to prepare and submit Quarterly Distribution Reports for the public water system, calculated for the first, second and third quarters of 2007.

Approx. Cost of Compliance

\$60

**TOTAL**

\$42

# Compliance History

Customer/Respondent/Owner-Operator:	CN600654008 Rincon Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101250538 RINCON WSC DIVISION III	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2050065
	WATER LICENSING	LICENSE	2050065
Location:	8896 COUNTY ROAD 1458, TAFT, TX, 78390		
TCEQ Region:	REGION 14 - CORPUS CHRISTI		
Date Compliance History Prepared:	December 05, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 05, 2002 to December 05, 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	01/13/2003	(21015)
2	05/19/2005	(381364)
3	11/29/2007	(609604)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	3-Dec-2007	Screening	12-Dec-2007	EPA Due	
	PCW	21-Dec-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	Rincon Water Supply Corporation		
Reg. Ent. Ref. No.	RN101458776	Rincon WSC Division II	
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	35099	No. of Violations	6	
Docket No.	2007-2014-PWS-E	Order Type	1660	
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**

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

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

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

2% Enhancement

Notes

The penalty enhancement is due to one prior Notice of Violation for the dissimilar violation to the violations in the current enforcement action.

**Culpability** **Subtotal 4**

No

0% Enhancement

Notes

The Respondent does not meet the culpability criteria.

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

0% Reduction

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.

0% Enhancement\*

**Subtotal 6**

Total EB Amounts	\$488
Approx. Cost of Compliance	\$2,110

\*Capped at the Total EB \$ Amount

### SUM OF SUBTOTALS 1-7

**Final Subtotal**

### OTHER FACTORS AS JUSTICE MAY REQUIRE

38%

**Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement recommended for recovery of avoided costs of compliance.

**Final Penalty Amount**

### STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty**

### DEFERRAL

20%

Reduction

**Adjustment**

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

Notes

Deferral offered for expedited settlement.

### PAYABLE PENALTY

<b>Screening Date</b>	12-Dec-2007	<b>Docket No.</b>	2007-2014-PWS-E	<b>PCW</b>
<b>Respondent</b>	Rincon Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35099	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101458776	Rincon WSC Division: II		
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	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 ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

*Please Enter Yes or No*

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 2%

**>> 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**

<b>Compliance History Notes</b>	The penalty enhancement is due to one prior Notice of Violation for the dissimilar violation to the violations in the current enforcement action.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 2%

<b>Screening Date</b> 12-Dec-2007	<b>Docket No.</b> 2007-2014-PWS-E	<b>PCW</b>				
<b>Respondent</b> Rincon Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>					
<b>Case ID No.</b> 35099	<i>PCW Revision November 6, 2007</i>					
<b>Reg. Ent. Reference No.</b> RN101458776	Rincon WSC Division II					
<b>Media [Statute]</b> Public Water Supply						
<b>Enf. Coordinator</b> Yulya Dunaway						
<b>Violation Number</b> <input type="text" value="1"/>						
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.110(b)(4) and 290.46(d)(2)(B), and Tex. Health & Safety Code § 341.0315(c)					
<b>Violation Description</b>	Failed to maintain a chloramine residual of 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, field tests conducted at 9845 Farm-to-Market Road 1074 on October 12, 2007 and October 30, 2007 recorded a chloramine residual of 0.08 mg/L and 0.12 mg/L, respectively.					
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
<b>OR</b>	<b>Harm</b>					
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>			
		<b>Percent</b>	<input type="text" value="10%"/>			
<b>&gt;&gt; Programmatic Matrix</b>						
		<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.					
		<b>Adjustment</b>		<input type="text" value="\$900"/>		
				<input type="text" value="\$100"/>		
<b>Violation Events</b>						
Number of Violation Events		<input type="text" value="2"/>		Number of violation days		
		<input type="text" value="2"/>				
<i>mark only one with an x</i>	daily	<input type="text"/>		<b>Violation Base Penalty</b>		
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input checked="" type="checkbox"/>				
Two single events are recommended.						
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
Estimated EB Amount		<input type="text" value="\$250"/>		Violation Final Penalty Total		
				<input type="text" value="\$282"/>		
				<b>This violation Final Assessed Penalty (adjusted for limits)</b>		
				<input type="text" value="\$282"/>		

## Economic Benefit Worksheet

**Respondent** Rincon Water Supply Corporation  
**Case ID No.** 35099  
**Reg. Ent. Reference No.** RN101458776 Rincon WSC Division II  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/DIsposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$250	12-Oct-2007	30-Oct-2007	0.0	\$0	\$250	\$250
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount for additional maintenance, oversight, and an increase in chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated from the date of the investigation to the date of the last field test.

Approx. Cost of Compliance	\$250	<b>TOTAL</b>	\$250
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<b>Screening Date</b> 12-Dec-2007	<b>Docket No.</b> 2007-2014-PWS-E	<b>PCW</b>
<b>Respondent</b> Rincon Water Supply Corporation		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35099		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN101458776	Rincon WSC Division II	
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Yuliya Dunaway		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(l)	
<b>Violation Description</b>	Failed to flush all dead-end mains at monthly intervals.	
	<b>Base Penalty</b>	\$1,000

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

Failing to flush dead-end mains at monthly intervals could allow contaminants to build up in the lines and expose customers of the water supply to significant amounts of contaminants that would not exceed levels that are protective of human health.

**Adjustment**

\$100

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended from the date of the investigation, October 12, 2007, to the date of screening, December 12, 2007.

**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:** Rincon Water Supply Corporation  
**Case ID No.:** 35099  
**Reg. Ent. Reference No.:** RN101458776 Rincon WSC Division II  
**Media:** Public Water Supply  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	12-Oct-2007	1-Sep-2008	0.9	\$45	n/a	\$45
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 flushing program at monthly intervals, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

<b>Approx. Cost of Compliance</b>	\$1,000	<b>TOTAL</b>	\$45
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<b>Screening Date</b>	12-Dec-2007	<b>Docket No.</b>	2007-2014-PWS-E	<b>PCW</b>
<b>Respondent</b>	Rincon Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	35099			<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b>	RN101458776	<b>Rincon WSC Division II</b>		
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(f)(1)			
<b>Violation Description</b>	Failed to make available to the Executive Director the water purchase contract so that production, storage, service pump, or pressure maintenance capacity may be properly evaluated. Specifically, at the time of the investigation, it was documented that the water purchase contract between San Patricio Municipal Water District and Rincon WSC was not available.			
		<b>Base Penalty</b>	\$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual			
	Potential			
		<b>Percent</b>	0%	
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	Major	Moderate	Minor
		x		
		<b>Percent</b>	10%	
<b>Matrix Notes</b>	100% of the rule requirements were not met.			
		<b>Adjustment</b>	\$900	
			\$100	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	61
<i>mark only one with an x</i>	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
			<b>Violation Base Penalty</b>	\$100
	One single event is recommended.			
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
	<b>Estimated EB Amount</b>	\$12	<b>Violation Final Penalty Total</b>	\$141
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$141

## Economic Benefit Worksheet

**Respondent** Rincon Water Supply Corporation  
**Case ID No.** 35099  
**Reg. Ent. Reference No.** RN101458776 Rincon WSC Division II  
**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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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	12-Oct-2007	1-Sep-2008	0.9	\$1	\$12	\$12
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to maintain and make available a water purchase contract, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

**TOTAL**

\$12

<b>Screening Date</b>	12-Dec-2007	<b>Docket No.</b>	2007-2014-PWS-E	<b>PCW</b>
<b>Respondent</b>	Rincon Water Supply Corporation	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	35099	PCW Revision November 6, 2007		
<b>Reg. Ent. Reference No.</b>	RN101458776	Rincon WSC Division II		
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

mark only one with an x

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

**Violation Base Penalty**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent:** Rincon Water Supply Corporation  
**Case ID No.:** 35099  
**Reg. Net. Reference No.:** RN101458776      Rincon WSC Division II  
**Media:** Public Water Supply  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	12-Oct-2007	1-Oct-2008	1.0	\$2	\$32	\$34
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the amount to repair leaking ground storage tank, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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>	\$34
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**Screening Date** 12-Dec-2007 **Docket No.** 2007-2014-PWS-E **PCW**  
**Respondent** Rincon Water Supply Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 35099 *PCW Revision November 6, 2007*  
**Reg. Ent. Reference No.** RN101458776 Rincon WSC Division II  
**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			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

**Matrix Notes**

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Rincon Water Supply Corporation  
**Case ID No.** 35099  
**Reg. Ent. Reference No.** RN101458776 Rincon WSC Division II  
**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
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No commas or \$

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	12-Oct-2006	12-Oct-2007	1.0	\$5	\$100	\$105
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform an annual pressure tank inspection, calculated 12 months preceding the October 12, 2007 investigation date.

Approx. Cost of Compliance	\$100	<b>TOTAL</b>	\$105
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<b>Screening Date</b> 12-Dec-2007	<b>Docket No.</b> 2007-2014-PWS-E	<b>PCW</b>		
<b>Respondent</b> Rincon Water Supply Corporation	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 35099	<small>PCW Revision November 6, 2007</small>			
<b>Reg. Ent. Reference No.</b> RN101458776	Rincon WSC Division II			
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Yuliya Dunaway				
<b>Violation Number</b> <input type="text" value="6"/>				
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.110(e)(4)"/>			
<b>Violation Description</b>	<input type="text" value="Failed to submit a Quarterly Distribution Report by a public water system that uses purchased water or ground water sources. Specifically, the water system failed to submit Quarterly Distribution Reports for the first, second and third quarters of 2007."/>			
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
			<b>Percent</b> <input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
			<b>Falsification</b>	
			Major	
			Moderate	
			Minor	
			<input type="text" value="x"/>	
			<b>Percent</b> <input type="text" value="10%"/>	
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirements were not met."/>			
<b>Adjustment</b>			<input type="text" value="\$900"/>	
			<input type="text" value="\$100"/>	
<b>Violation Events</b>				
<b>Number of Violation Events</b> <input type="text" value="3"/>		<input type="text" value="270"/> <b>Number of violation days</b>		
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$300"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
<input type="text" value="Three single events (one per report) are recommended."/>				
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b> <input type="text" value="\$42"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$423"/>		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$423"/>		

## Economic Benefit Worksheet

**Respondent:** Rincon Water Supply Corporation  
**Case ID No.:** 35099  
**Reg. Ent. Reference No.:** RN101458776      Rincon WSC Division II  
**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
<small>No commas or \$</small>							

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$60	1-Jan-2007	31-Aug-2007	0.7	\$2	\$40	\$42
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to prepare and submit Quarterly Distribution Reports for the public water system, calculated for the first, second and third quarters of 2007.

<b>Approx. Cost of Compliance</b>	<b>\$60</b>	<b>TOTAL</b>	<b>\$42</b>
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# Compliance History

Customer/Respondent/Owner-Operator:	CN600654008	Rincon Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101458776	RINCON WSC DIVISION II	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		2050057
	WATER LICENSING	LICENSE		2050057
Location:	8896 COUNTY ROAD 1458, TAFT, TX, 78390			
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	December 07, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 07, 2002 to December 07, 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 01/13/2003 (20951)
    - 2 05/06/2005 (379989)
    - 3 11/29/2007 (609495)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
    - Date: 05/09/2005 (379989)
    - Self Report? NO Classification: Minor
    - Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
    - Description: Failure to provide a Monitoring Plan for the system.
  - 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  
RINCON WATER SUPPLY  
CORPORATION  
RN101458776, RN101250538**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-2014-PWS-E**

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

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rincon Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates two public water supply facilities at 8896 County Road 1458 in Taft, San Patricio County, Texas (the "Facilities"), which serve at least 25 people per day for at least 60 days per year:
  - a. Rincon WSC Division II, RN101458776, that has approximately 100 service connections ("Facility 1"); and
  - b. Rincon WSC Division III, RN101250538, that has approximately 307 service connections ("Facility 2").
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 4, 2007.



4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand Seventy-One Dollars (\$3,071) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Four Hundred Fifty-Seven Dollars (\$2,457) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP") and Six Hundred Fourteen Dollars (\$614) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

1. As owner and operator of Facility 1, the Respondent is alleged to have:
  - a. Failed to maintain a chloramine residual of 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on October 12, 2007.
  - b. Failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(1), as documented during an investigation conducted on October 12, 2007.
  - c. Failed to make available to the Executive Director the water purchase contract so that production, storage, service pump, or pressure maintenance capacity may be properly evaluated, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(1), as documented during an investigation conducted on October 12, 2007.



- d. Failed to maintain potable water storage tanks thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(6), as documented during an investigation conducted on October 12, 2007.
  - e. Failed to inspect the pressure tank annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on October 12, 2007.
  - f. Failed to submit a Quarterly Distribution Report by a public water system that uses purchased water or ground water sources, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4), as documented during an investigation conducted on October 12, 2007.
2. As owner and operator of Facility 2, the Respondent is alleged to have:
- a. Failed to maintain a chloramine residual of 0.5 mg/L throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on October 12, 2007.
  - b. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(B), as documented during an investigation conducted on October 12, 2007.
  - c. Failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l), as documented during an investigation conducted on October 12, 2007.
  - d. Failed to make available to the Executive Director the water purchase contract so that production, storage, service pump, or pressure maintenance capacity may be properly evaluated, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(1), as documented during an investigation conducted on October 12, 2007.
  - e. Failed to submit a Quarterly Distribution Report by a public water system that uses purchased water or ground water sources, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4), as documented during an investigation conducted on October 12, 2007.

### **III. DENIALS**

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

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the



Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rincon Water Supply Corporation, Docket No. 2007-2014-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 5 above, Two Thousand Four Hundred Fifty-Seven Dollars (\$2,457) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order:
    - i. Begin maintaining a chloramine residual disinfectant concentration at a minimum of 0.5 mg/L throughout the distribution system at Facility 1 and 2, as required by 30 TEX. ADMIN. CODE § 290.46; and
    - ii. Begin daily monitoring and recording of the disinfectant residual at representative locations throughout the distribution system at Facility 2, as required by 30 TEX. ADMIN. CODE § 290.110.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Submit written certification of compliance as described below in Ordering Provision No. 3.g., that demonstrates compliance with Ordering Provision No. 3.a.;
    - ii. Obtain and make available a contract that will specify an adequate production capacity and service pump capacity for a purchased water system at Facility 1 and 2, as required by 30 TEX. ADMIN. CODE § 290.45; and
    - iii. Commence flushing all dead-end mains at monthly intervals or more frequently if water quality complaints are received from water customers at Facility 1 and 2, as required by 30 TEX. ADMIN. CODE § 290.46.
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 3.g., that demonstrates compliance with Ordering Provision No. 3.b.



- d. Within 60 days after the effective date of this Agreed Order:
  - i. Ensure that all water storage facilities are maintained in a watertight condition, including but not limited to repairing a leak in the 33,000 gallon storage tank at Facility 1, as required by 30 TEX. ADMIN. CODE § 290.43; and
  - ii. Conduct an annual inspection of the water system's pressure tank at Facility 1, as required by 30 TEX. ADMIN. CODE § 290.46.
- e. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 3.g., that demonstrates compliance with Ordering Provision No. 3.d.
- f. Within 90 days after the effective date of this Agreed Order, prepare and begin submitting Quarterly Distribution Reports for a public water system at Facility 1 and 2, as required by 30 TEX. ADMIN. CODE § 290.110.
- g. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.f. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503



4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Sredlin  
For the Executive Director

5/11/2008  
Date

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

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

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

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

John E. Wolfe  
Signature

2/27/08  
Date

John E. Wolfe  
Name (Printed or typed)  
Authorized Representative of  
Rincon Water Supply Corporation

Board President  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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2/22/22

John R. Wolf

John R. Wolf

John R. Wolf

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Attachment A  
Docket Number: 2007-2014-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** Rincon Water Supply Corporation  
**Payable Penalty Amount:** Two Thousand Four Hundred Fifty-Seven Dollars (\$2,457)  
**SEP Amount:** Two Thousand Four Hundred Fifty-Seven Dollars (\$2,457)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Audubon Society-North Bay Sanctuary Project  
**Location of SEP:** San Patricio County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. The Coastal Bend Audubon Society owns the North Bay Sanctuary. It is a 75-acre, largely wooded tract containing a 5-acre pond. The site includes a 12-foot viewing tower that can accommodate 15 people on the upper platform. Specifically, the contribution will be used to maintain the existing roads in the sanctuary, control Prickly Pear Cacti in a 20-acre section of the sanctuary, and assist in the removal of invasive reeds and other plants from the eastern section of the pond.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by enhancing the area for water and migrant birds as well as improving accessibility to the sanctuary.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Ms. Marnie Francell, Program Director  
Audubon Texas  
427 Sterzing Street  
Austin, Texas 78704

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear



statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

