

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-2037-MLM-E **TCEQ ID:** RN101398261 **CASE NO.:** 35128

**RESPONDENT NAME:** McMullen County Water Control & Improvement District No. 1

<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 checked="" 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 checked="" type="checkbox"/> WATER RIGHTS
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> McMullen County WCID 1, located on Highway 16 behind the courthouse in Tilden, McMullen County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 9, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4033; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Matias Quintanilla, President, McMullen County Water Control &amp; Improvement District No. 1, P.O. Box 4, Tilden, Texas 78072                      Mr. Alan Brown, Manager, McMullen County Water Control &amp; Improvement District No. 1, P.O. Box 4, Tilden, Texas 78072                      The Honorable Linda Lee Henry, County Judge, County Courthouse, P.O. Box 237, Tilden, Texas 78072  <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> November 13, 2007</p> <p><b>Date of NOE Relating to this Case:</b> November 30, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to provide a sanitary control easement that covers the land within 150 feet of Well No. 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>2) Failure to maintain a copy of the current monitoring plan at the water system's treatment plant [30 TEX. ADMIN. CODE § 290.121(b)].</p> <p>3) Failure to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity [30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH &amp; SAFETY CODE § 341.0351].</p> <p>4) Failure to provide adequate ventilation which includes high level and floor level screened vents in enclosures where chlorine gas is stored or fed [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].</p> <p>5) Failure to provide an intruder-resistant fence with lockable gates [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>6) Failure to provide all requested water system operating records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(B)(v)].</p>	<p><b>Total Assessed:</b> \$3,687</p> <p><b>Total Deferred:</b> \$737  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,950</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" 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>The Order will require the Respondent to:</p> <p>a) Within 10 days after the effective date of this Agreed Order:</p> <p>i. Submit and begin maintaining a monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public system will use;</p> <p>ii. Ensure the enclosure where the chlorine gas is stored is provided with high level screened vents;</p> <p>iii. Submit a copy of the following records: well records and chlorine residual monitoring equipment calibration records;</p> <p>iv. Ensure there is a supply of calcium hypochlorite on hand for use when making repairs, setting meters and disinfecting new mains prior to placing them in service;</p> <p>v. Post in plain view a sign that contains accurate emergency phone number area codes where a responsible official can be contacted;</p> <p>vi. Prepare and begin submitting DCQORs to the Commission in a timely manner; and</p> <p>vii. Prepare and adopt a drought contingency plan for the water supply.</p> <p>b) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Notify the Executive Director of the significant changes to production capacity;</p> <p>ii. Lock the gate to Well No. 3 and repair the barbed wire fence for Well No. 2 to</p>

<p>7) Failure to maintain a supply of calcium hypochlorite on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service [30 TEX. ADMIN. CODE § 290.46(h)].</p> <p>8) Failure to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment at the Facility [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>9) Failure to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE §§ 290.46(m)(4) and 290.43(c)(6)].</p> <p>10) Failure to equip Ground Storage Tank No. 3 with a roof vent in accordance with current American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(1)].</p> <p>11) Failure to provide an overflow that is designed in strict accordance with current AWWA design standards [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>12) Failure to conduct annual inspections of the three ground storage tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>13) Failure to conduct an annual inspection of the water system's pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>14) Failure 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>15) Failure to prepare and submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)].</p> <p>16) Failure to provide a copy of an adopted drought contingency plan [30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B)].</p>		<p>render it intruder-resistant;</p> <p>iii. Initiate good housekeeping practices, including but not limited to refurbishing the ladder for Ground Storage Tank No. 1 and refurbish the pressure tank so that there is no rust on the tank;</p> <p>iv. Repair the leak at Ground Storage Tank No. 1;</p> <p>v. Equip Ground Storage Tank No. 3 with a roof vent;</p> <p>vi. Provide a gravity hinged-cover on the overflow flap for Ground Storage Tank No. 2;</p> <p>vii. Conduct the annual inspection for all ground storage tanks; and</p> <p>viii. Conduct the annual inspection for the pressure tank.</p> <p>c) Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision e., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. a. and b.;</p> <p>d) Within 90 days after the effective date of this Agreed Order, obtain a sanitary control easement that covers the land within 150 feet of Well No. 2; and</p> <p>e) 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 d.</p>
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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	Assigned	4-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	PCW	19-Dec-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	McMullen County Water Control & Improvement District No. 1
<b>Reg. Ent. Ref. No.</b>	RN101398261
<b>Facility/Site Region</b>	16-Laredo
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35128	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-2037-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Rights	<b>Enf. Coordinator</b>	Epifanio Villarreal
<b>Multi-Media</b>	Public Water Supply	<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	4% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$20
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**Notes** The penalty enhancement is due to two prior dissimilar Notices of Violation.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	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.

<b>Total EB Amounts</b>	\$14	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$300	<i>*Capped at the Total EB \$ Amount</i>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$520
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$520

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$520
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<b>DEFERRAL</b>	20%	Reduction	<b>Adjustment</b>	-\$104
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$416
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Screening Date 19-Dec-2007

Docket No. 2007-2037-MLM-E

PCW

Respondent McMullen County Water Control & Improvement District I

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101398261

Media [Statute] Water Rights

Enf. Coordinator Epifanio Villarreal

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	2	4%
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)** 4%

>> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to two prior dissimilar Notices of Violation.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 4%

<b>Screening Date</b>	19-Dec-2007	<b>Docket No.</b>	2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b>	McMullen County Water Control & Improvement District No. 1			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	35128			<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b>	RN101398261			
<b>Media [Statute]</b>	Water Rights			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B)			
<b>Violation Description</b>	Failed to provide a copy of an adopted drought contingency plan.			
		<b>Base Penalty</b>	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		X			<b>Percent</b> <input type="text" value="10%"/>
<b>Matrix Notes</b>	100% of the rule requirement was not met.				

**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"/>
single event	<input checked="" type="text" value="x"/>	

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$14"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$520"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$520"/>	

### Economic Benefit Worksheet

Respondent McMullen County Water Control & Improvement District No. 1  
 Case ID No. 35128  
 Reg. Ent. Reference No. RN101398261  
 Media Water Rights  
 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)	\$300	13-Nov-2007	10-Jul-2008	0.7	\$1	\$13	\$14
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 provide and adopt a copy of a drought contingency plan, calculated from the date of when the violation began 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	\$300	<b>TOTAL</b>	\$14
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Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision November 6, 2007

<b>DATES</b>	Assigned	4-Dec-2007	Screening	19-Dec-2007	EPA Due	
	PCW	19-Dec-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	McMullen County Water Control & Improvement District No. 1
Reg. Ent. Ref. No.	RN101398261
Facility/Site Region	16-Laredo
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35128	No. of Violations	15
Docket No.	2007-2037-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
Multi-Media	Water Rights	EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,470</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	10% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$247</b>
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Notes: The penalty enhancement is due to two prior Notices of Violation containing violations that are the same as or similar to the violations in the current enforcement action.

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

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

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

Total EB Amounts	\$633	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Approx. Cost of Compliance	\$4,450	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$2,717</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	17%	<b>Adjustment</b>	<b>\$450</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

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

<b>Final Penalty Amount</b>	<b>\$3,167</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$3,167</b>
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	<b>-\$633</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$2,534</b>
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Screening Date 19-Dec-2007

Docket No. 2007-2037-MLM-E

PCW

Respondent McMullen County Water Control & Improvement District I

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101398261

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	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%
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) 10%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to two prior Notices of Violation containing violations that are the same as or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35128	<small>PCW Revision November 6, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(1)(F)	
<b>Violation Description</b>	Failed to provide a sanitary control easement that covers the land within 150 feet of Well No. 2.	
<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> <span style="border: 1px solid black; padding: 0 20px;">5%</span>

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 0 20px;">0%</span>

**Matrix Notes** Without a sanitary control easement, contaminants could enter the well and customers of the water supply could be exposed to insignificant amounts of contaminants that do not exceed levels protective of human health.

<b>Adjustment</b>	\$950	\$50
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**Violation Events**

Number of Violation Events	1	Number of violation days	36	
<small>mark only one with an x</small>	daily			<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 0 20px;">\$50</span>
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <span style="border: 1px solid black; padding: 0 20px;">\$12</span>	Violation Final Penalty Total <span style="border: 1px solid black; padding: 0 20px;">\$64</span>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border: 1px solid black; padding: 0 20px;">\$64</span>	

### Economic Benefit Worksheet

**Respondent** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	13-Nov-2007	1-Oct-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 cost includes the amount to obtain a sanitary control easement for Well No. 2, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

**TOTAL**

\$12

Screening Date 19-Dec-2007

Docket No. 2007-2037-MLM-E

PCW

Respondent McMullen County Water Control & Improvement District No. 1

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101398261

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="5%"/>

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="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** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 2

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	13-Nov-2007	10-Jul-2008	0.7	\$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 cost includes the amount to maintain a copy of the current monitoring plan at the treatment plant, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$16

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35128	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="3"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.39(j)(1)(A) and Tex. Health &amp; Safety Code § 341.0351"/>	
<b>Violation Description</b>	<input type="text" value="Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity. Specifically, at the time of the investigation, it was documented that the Respondent failed to provide notification of a 35% decrease in the water system's production capacity as a result of replacing the pump at Well No. 2."/>	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>

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

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

**>> Programmatic Matrix**

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

**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"/>
	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** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 3

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

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

**Delayed Costs**

Item	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)	\$100	13-Nov-2007	1-Aug-2008	0.7	\$0	\$5	\$5
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 includes the amount to notify the Commission of the water system's changes, 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	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

\$100

TOTAL

\$5

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 35128		<small>PCW Revision November 6, 2007</small>
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="4"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(4)(C)	
<b>Violation Description</b>	Failed to provide adequate ventilation which includes high level and floor level screened vents in enclosures where chlorine gas is stored or fed. Specifically, at the time of the investigation, no high level ventilation in the gas chlorine room was provided.	
	<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				<b>Percent</b> <input type="text" value="25%"/>
Potential	x				

**>> Programmatic Matrix**

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

**Matrix Notes** Failing to provide adequate high level ventilation could expose employees of the water system to significant amounts of chlorine gas that would exceed levels that are protective of human health.

**Adjustment**

\$250

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Two monthly events are recommended from the date of the investigation, November 13, 2007, to the date of screening, December 19, 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** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	13-Nov-2007	10-Jul-2008	0.7	\$1	\$22	\$23
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 adequate high level ventilation for the chlorine enclosure, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$23

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35128	<small>PCW Revision November 6, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b>	5	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(O)	
<b>Violation Description</b>	Failed to provide an intruder-resistant fence with lockable gates. Specifically, at the time of the investigation, it was noted that the gate to Well No. 3 was unlocked. In addition, it was noted that barbed wire around Well No. 2 was partially missing and the posts to hold the barbed wire were facing inward.	
<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>Potential</b>			x	<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">5%</span>	

>> Programmatic Matrix

	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0%</span>

**Matrix Notes**

Failing to provide an intruder-resistant fence with lockable gates may allow persons to enter and vandalize the pumps which may compromise the system's ability to provide a safe and adequate water supply could expose customers 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 2 36 Number of violation days

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

**Violation Base Penalty** \$100

Two single events are recommended (one event per fence).

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <span style="border: 1px solid black; padding: 2px;">\$10</span>	<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 2px;">\$128</span>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border: 1px solid black; padding: 2px;">\$128</span>	

## Economic Benefit Worksheet

**Respondent** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 5

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

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

**Delayed Costs**

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	13-Nov-2007	1-Aug-2008	0.7	\$0	\$10	\$10
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 lock the gate for Well No. 3 and repair the barbed wire around Well No. 2, 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**

\$10

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35128	<small>PCW Revision November 6, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="6"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(f)(2) and 290.46(f)(3)(B)(v)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to provide all requested water system operating records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the following records were not available for review: well records and chlorine residual monitoring equipment calibration records."/>	
<b>Base Penalty</b>	<input type="text" value="\$1,000"/>	

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

<b>OR</b>	<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%"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	
					<b>Percent</b> <input type="text" value="1%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

<small>mark only one with an x</small>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	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** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 6

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$200	13-Nov-2007	10-Jul-2008	0.7	\$7	n/a	\$7
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to properly maintain well records, a drought contingency plan, and chlorine monitoring equipment calibration records for review, 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** \$7

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35128	<small>PCW Revision November 6, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b>	<input type="text" value="7"/>	
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(h)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to maintain a supply of calcium hypochlorite on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service."/>	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>

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

<b>OR</b>	<b>Harm</b>				
	<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" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>

**>> Programmatic Matrix**

	<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>	<input type="text" value="Failure to maintain a supply of calcium hypochlorite after making repairs, setting meters, or disinfecting new mains could result in customers of the water supply being exposed to significant amounts of contaminants that exceed levels that are protective of human health."/>				
<b>Adjustment</b>					<input type="text" value="\$750"/>

**Violation Events**

	<input type="text" value="2"/>		<input type="text" value="36"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<input type="text" value="Violation Base Penalty \$500"/>				
<input type="text" value="Two monthly events are recommended from the date of the investigation, November 13, 2007, to the date of screening, December 19, 2007."/>				

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

<b>Estimated EB Amount</b>	<input type="text" value="\$23"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$641"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$641"/>

## Economic Benefit Worksheet

**Respondent** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**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
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	13-Nov-2007	10-Jul-2008	0.7	\$1	\$22	\$23
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 purchase and keep on hand a supply of calcium hypochlorite, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$23

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35128	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b>	8	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)	
<b>Violation Description</b>	Failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment at the facility. Specifically, at the time of the investigation, it was noted that rust was observed on the ladder of Ground Storage Tank No. 1 and the pressure tank.	
<b>Base Penalty</b>		\$1,000

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**  
 Failure to initiate good housekeeping practices could result in customers of the water supply being exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

	<input type="text" value="2"/>		<input type="text" value="36"/>	Number of violation days
<i>mark only one with an x</i>	daily		monthly	
	quarterly		semiannual	
	annual		single event	x

**Violation Base Penalty**

Two single events are recommended (one per tank).

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

<b>Estimated EB Amount</b> <input type="text" value="\$25"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$128"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$128"/>	

### Economic Benefit Worksheet

**Respondent** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 8

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

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	13-Nov-2007	1-Aug-2008	0.7	\$1	\$24	\$25
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 remove the rust on the ladder at Ground Storage Tank No. 1 and refurbish the pressure tank so that all rust is removed, calculated from the date of the investigation to 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

\$25

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35128		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="9"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.46(m)(4) and 290.43(c)(6)	
<b>Violation Description</b>	Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was noted that Ground Storage Tank No. 1 was leaking.	
	<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	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	x		

**>> Programmatic Matrix**

<b>Matrix Notes</b>	<b>Falsification</b>				
	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
Failure to maintain the water system in a watertight condition could allow an insignificant amount of contaminants to enter the water system which would not exceed levels protective of human health.					
	<b>Adjustment</b>				\$950

**Violation Events**

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="36"/>	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 type="text" value="x"/>		<b>Violation Base Penalty</b> <input type="text" value="\$50"/>
One single event is recommended.		

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$25"/>	Violation Final Penalty Total <input type="text" value="\$64"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$64"/>	

### Economic Benefit Worksheet

**Respondent** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 9

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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	13-Nov-2007	1-Aug-2008	0.7	\$1	\$24	\$25
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 repair the observed leak for Ground Storage Tank No. 1, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$25

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35128	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b>	<input type="text" value="10"/>	
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.43(c)(1)"/>	
<b>Violation Description</b>	<input 3."="" at="" awwa")="" from="" ground="" investigation,="" it="" missing="" no.="" noted="" of="" roof="" specifically,="" standards.="" storage="" tank="" that="" the="" time="" type="text" value="Failed to equip Ground Storage Tank No. 3 with a roof vent in accordance with current American Water Works Association (" vent="" was=""/>	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>

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

<b>OR</b>	<b>Harm</b>				
	<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="checkbox"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="10%"/>	

**>> Programmatic Matrix**

	<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%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

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

<b>Estimated EB Amount</b> <input type="text" value="\$25"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$128"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$128"/>	

## Economic Benefit Worksheet

**Respondent** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**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
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	13-Nov-2007	1-Aug-2008	0.7	\$1	\$24	\$25
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 equip Ground Storage Tank No. 3 with a roof vent, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$25

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35128	<small>PCW Revision November 6, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="11"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(c)(3)	
<b>Violation Description</b>	Failed to provide an overflow that is designed in strict accordance with current AWWA design standards. Specifically, at the time of the investigation, it was noted that the overflow flap on Ground Storage Tank No. 2 was missing a gravity-hinged cover.	
<b>Base Penalty</b>		\$1,000

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

<b>OR</b>	<b>Harm</b>				
	<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 type="text" value="x"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="5%"/>	

**>> Programmatic Matrix**

	<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%"/>

**Matrix Notes** Failure to provide a gravity-hinged cover could allow an insignificant amounts of contaminants to enter the water supply which would not exceed levels protective of human health.

**Adjustment**

\$50

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

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

Estimated EB Amount  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**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**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$200	13-Nov-2007	1-Aug-2008	0.7	\$0	\$10	\$10
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 provide the overflow flap on Ground Storage Tank No. 2 with a gravity-hinged cover, 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**

\$10

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35128	<small>PCW Revision November 6, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="12"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(m)(1)(A)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to conduct annual inspections of the three ground storage tanks."/>	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

<small>mark only one with an x</small>	<b>daily</b>	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	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** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 12

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	13-Nov-2006	13-Nov-2007	1.0	\$15	\$300	\$315
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to conduct the annual ground storage tank inspections, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$300

TOTAL

\$315

Screening Date 19-Dec-2007

Docket No. 2007-2037-MLM-E

PCW

Respondent McMullen County Water Control & Improvement District No. 1

Policy Revision 2 (September 2002)

Case ID No. 35128

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101398261

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 13

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

Violation Description Failed to conduct an annual inspection of the water system's pressure tank.

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

Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect that causes loss of tank integrity, and customers of the water supply could be exposed to significant amounts of contamination that would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 365 Number of violation days

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

Violation Base Penalty \$250

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$105

Violation Final Penalty Total \$321

This violation Final Assessed Penalty (adjusted for limits) \$321

### Economic Benefit Worksheet

**Respondent** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 13

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

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	13-Nov-2006	13-Nov-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 cost includes the amount to conduct the annual pressure tank inspection, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$100

TOTAL

\$105

**Screening Date** 19-Dec-2007 **Docket No.** 2007-2037-MLM-E **PCW**  
**Respondent** McMullen County Water Control & Improvement District No. 1 *Policy Revision 2 (September 2002)*  
**Case ID No.** 35128 *PCW Revision November 6, 2007*

**Reg. Ent. Reference No.** RN101398261  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1%"/>

**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 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** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**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
<small>No commas or \$</small>							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$100	13-Nov-2007	10-Jul-2008	0.7	\$0	\$4	\$5
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 provide a sign with current area codes for emergency contact information, 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>	\$100	<b>TOTAL</b>	\$5
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<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2007-2037-MLM-E	<b>PCW</b>
<b>Respondent</b> McMullen County Water Control & Improvement District No. 1	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35128	<small>PCW Revision November 6, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101398261		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="15"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.110(e)(4)"/>	
<b>Violation Description</b>	<input 2007."="" at="" being="" by="" commission="" day="" dlqor")="" dlqors="" each="" end="" following="" for="" investigation,="" it="" month="" not="" noted="" of="" quarter="" quarter.="" specifically,="" submitted="" tenth="" that="" the="" time="" to="" type="text" value="Failed to prepare and submit a Disinfectant Level Quarterly Operating Report (" was="" were="" year=""/>	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>

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

<b>OR</b>	<b>Harm</b>				
	<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 type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="0%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <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 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** McMullen County Water Control & Improvement District No. 1  
**Case ID No.** 35128  
**Reg. Ent. Reference No.** RN101398261  
**Media** Public Water Supply  
**Violation No.** 15

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

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				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	\$50	10-Apr-2007	10-Oct-2007	0.5	\$1	\$25	\$26
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 includes the amount necessary to prepare and submit the DLQORs, calculated for the first three quarters of 2007.

Approx. Cost of Compliance

\$50

TOTAL

\$26

# Compliance History

Customer/Respondent/Owner-Operator: CN600737092 McMullen County Water Control & Improvement District No. 1 Classification: AVERAGE Rating: 1.57

Regulated Entity: RN101398261 MCMULLEN COUNTY WCID 1 Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1560002  
 WATER LICENSING LICENSE 1560002

Location: HIGHWAY 16 BEHIND COURTHOUSE, TILDEN, TX, 78072

TCEQ Region: REGION 16 - LAREDO

Date Compliance History Prepared: December 04, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 04, 2002 to December 04, 2007

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

Name: Epi Villarreal Phone: 210-403-4033

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? 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 | 05/30/2003 | (61072)  |  |
| 2 | 02/27/2004 | (264158) |  |
| 3 | 11/23/2004 | (341702) |  |
| 4 | 04/04/2005 | (376619) |  |
| 5 | 11/30/2007 | (608920) |  |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |          |                          |
|--------------|--|----------|--------------------------|
| Date:        | 06/03/2003   | (61072)  |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(j)   |          |                          |
| Description: | Failure to obtain Customer Service Agreements and Customer Service Inspections prior to providing water service. |          |                          |
| Self Report? | NO   |          | Classification: Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)   |          |                          |
| Description: | Failure to provide a sanitary control easement for well #2.  |          |                          |
| Date:        | 11/23/2004   | (341702) |                          |
| Self Report? | NO   |          | Classification: Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)   |          |                          |
| Description: | Failure to provide a sanitary control easement for well #2.  |          |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)  |          |                          |
| Description: | Failure to maintain chlorine residual monitoring records for the distribution.                                   |          |                          |
| Self Report? | NO   |          | Classification: Moderate |

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)

Description: Failure to submit a Quarterly Distribution Report for Public Water Systems each quarter.

Self Report?	NO	Classification	Minor
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Citation: 30 TAC Chapter 290, SubChapter F 290.121(c)

Description: Failure to maintain a copy of the current monitoring plan at the treatment plant.

Self Report?	NO	Classification	Minor
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Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.

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  
MCMULLEN COUNTY WATER  
CONTROL & IMPROVEMENT  
DISTRICT NO. 1  
RN101398261**

§  
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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2007-2037-MLM-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 McMullen County Water Control & Improvement District No. 1 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply located on Highway 16 behind the courthouse in Tilden, McMullen County, Texas (the "Facility") that has approximately 188 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Respondent's Facility adjoins, is contiguous with or surrounds state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(46).
3. 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.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 5, 2007.
5. 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.



6. An administrative penalty in the amount of Three Thousand Six Hundred Eighty-Seven Dollars (\$3,687) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Nine Hundred Fifty Dollars (\$2,950) of the administrative penalty and Seven Hundred Thirty-Seven Dollars (\$737) 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.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to provide a sanitary control easement that covers the land within 150 feet of Well No. 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on November 13, 2007.
2. Failed to maintain a copy of the current monitoring plan at the water system's treatment plant, in violation of 30 TEX. ADMIN. CODE § 290.121(b), as documented during an investigation conducted on November 13, 2007.
3. Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351, as documented during an investigation conducted on November 13, 2007.

The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data collected. This section also outlines the various methods used to collect and analyze the data, highlighting the challenges faced during the process.

### Methodology and Data Collection

The methodology employed in this study involves a combination of qualitative and quantitative techniques. Data was collected through a series of interviews and surveys, designed to explore the experiences and perceptions of the participants. The analysis of this data is presented in the following sections, where the key findings are discussed in detail.

The results of the study indicate that there are significant differences in the way that different groups of people perceive and experience the phenomenon being studied. These findings have important implications for the development of effective interventions and policies. Further research is needed to explore these issues in greater depth.

In conclusion, this study has provided valuable insights into the complex nature of the phenomenon under investigation. The findings suggest that a more holistic and integrated approach is needed to address the underlying issues. The authors hope that these findings will inform future research and practice.

The authors would like to thank the participants who made this study possible, as well as the funding agencies and colleagues who provided support and assistance throughout the project.

References

Smith, J. (2010). The impact of social media on communication. *Journal of Communication Studies*, 15(2), 123-145.

4. Failed to provide adequate ventilation which includes high level and floor level screened vents in enclosures where chlorine gas is stored, or fed, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C), as documented during an investigation conducted on November 13, 2007.
5. Failed to provide an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on November 13, 2007.
6. Failed to provide all requested water system operating records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(B)(v), as documented during an investigation conducted on November 13, 2007.
7. Failed to maintain a supply of calcium hypochlorite on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service, in violation of 30 TEX. ADMIN. CODE § 290.46(h), as documented during an investigation conducted on November 13, 2007.
8. Failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on November 13, 2007.
9. Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE §§ 290.46(m)(4) and 290.43(c)(6), as documented during an investigation conducted on November 13, 2007.
10. Failed to equip Ground Storage Tank No. 3 with a roof vent in accordance with current American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1), as documented during an investigation conducted on November 13, 2007.
11. Failed to provide an overflow that is designed in strict accordance with current AWWA design standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on November 13, 2007.
12. Failed to conduct annual inspections of the three ground storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on November 13, 2007.
13. Failed to conduct an annual inspection of the water system's pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on November 13, 2007.
14. 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), as documented during an investigation conducted on November 13, 2007.



15. Failed to prepare and submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter for the year 2007, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4), as documented during an investigation conducted on November 13, 2007.
16. Failed to provide a copy of an adopted drought contingency plan, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B), as documented during an investigation conducted on November 13, 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 6 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: McMullen County Water Control & Improvement District No. 1, Docket No. 2007-2037-MLM-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Agreed Order:
    - i. Submit and begin maintaining a monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public system will use, in accordance with 30 TEX. ADMIN. CODE § 290.121;
    - ii. Ensure the enclosure where the chlorine gas is stored is provided with high level screened vents, in accordance 30 TEX. ADMIN. CODE § 290.42;
    - iii. Submit a copy of the following records: well records and chlorine residual monitoring equipment calibration records, in accordance with 30 TEX. ADMIN. CODE § 290.46;



- iv. Ensure there is a supply of calcium hypochlorite on hand for use when making repairs, setting meters and disinfecting new mains prior to placing them in service, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - v. Post in plain view a sign that contains accurate emergency phone number area codes where a responsible official can be contacted, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - vi. Prepare and begin submitting DLQORs to the Commission in a timely manner, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
  - vii. Prepare and adopt a drought contingency plan for the water supply, in accordance with 30 TEX. ADMIN. CODE §§ 288.20 and 288.30.
- b. Within 30 days after the effective date of this Agreed Order:
- i. Notify the Executive Director of the significant changes to production capacity, in accordance with 30 TEX. ADMIN. CODE § 290.39;
  - ii. Lock the gate to Well No. 3 and repair the barbed wire fence for Well No. 2 to render it intruder-resistant, in accordance with 30 TEX. ADMIN. CODE § 290.41;
  - iii. Initiate good housekeeping practices, in accordance with 30 TEX. ADMIN. CODE § 290.46, including but not limited to refurbishing the ladder for Ground Storage Tank No. 1 and refurbish the pressure tank so that there is no rust on the tank;
  - iv. Repair the leak at Ground Storage Tank No. 1, in accordance with 30 TEX. ADMIN. CODE §§ 290.43 and 290.46;
  - v. Equip Ground Storage Tank No. 3 with a roof vent, in accordance with 30 TEX. ADMIN. CODE § 290.43;
  - vi. Provide a gravity hinged-cover on the overflow flap for Ground Storage Tank No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.43;
  - vii. Conduct the annual inspection for all ground storage tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - viii. Conduct the annual inspection for the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. Within 45 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.e, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and b.
- d. Within 90 days after the effective date of this Agreed Order, obtain a sanitary control easement that covers the land within 150 feet of Well No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.41.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. This is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. This includes the use of surveys, interviews, and focus groups to gather information from stakeholders and the application of statistical techniques to interpret the results.

3. The third part of the document describes the process of identifying and addressing the root causes of problems. This involves a thorough analysis of the data to determine the underlying factors contributing to the issues and the implementation of targeted interventions to address these causes.

4. The fourth part of the document discusses the importance of monitoring and evaluating the effectiveness of the interventions. This involves the use of key performance indicators (KPIs) and other metrics to track progress and assess the impact of the actions taken.

5. The fifth part of the document concludes by emphasizing the need for ongoing communication and collaboration between all stakeholders. This is essential for ensuring that the organization remains committed to its goals and that the interventions are implemented effectively and sustainably.

6. The sixth part of the document provides a summary of the key findings and recommendations. This includes a clear statement of the main issues identified, the reasons behind them, and the specific actions that should be taken to address these issues.

7. The seventh part of the document discusses the importance of documenting the entire process and the results of the interventions. This is essential for ensuring that the organization can learn from its experiences and use this knowledge to improve its performance in the future.

8. The eighth part of the document provides a final summary and a call to action. This includes a statement of the organization's commitment to transparency and accountability and a request for all stakeholders to work together to achieve the organization's goals.

9. The ninth part of the document provides a list of references and resources used in the document. This includes books, articles, and other documents that provide additional information on the topics discussed in the document.

10. The tenth part of the document provides a list of appendices and additional information. This includes data tables, charts, and other documents that provide further detail on the findings and recommendations.

- e. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Laredo Regional Office  
Texas Commission on Environmental Quality  
1403 Seymour, Suite 2  
Laredo, Texas 78040-8752

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 Srdin*  
For the Executive Director

7/2/2008  
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.

*Alan Brown*  
Signature

03/27/2008  
Date

Alan Brown  
Name (Printed or typed)  
Authorized Representative of  
McMullen County Water Control & Improvement District No. 1

Manager  
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.

