

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-0055-MLM-E **TCEQ ID:** RN101236925 **CASE NO.:** 35174  
**RESPONDENT NAME:** Texas State Technical College

<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> Texas State Technical College, 3801 Campus Drive, Waco, McLennan 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 May 26, 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. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Elton Stuckley, President, Texas State Technical College, 3801 Campus Drive, Waco, Texas 76705  Mr. Stephen E. Lowe, Director, Physical Plant, Texas State Technical College, 3801 Campus Drive, Waco, Texas 76705  <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 2, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 16, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failed to submit and adopt a drought contingency plan by May 1, 2005 [30 TEX. ADMIN. CODE § 288.30(5)(B)].</p> <p>2) Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with proper provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].</p> <p>3) Failed to provide a purchase water contract that allows the maximum hourly purchase rate of at least 2.0 gallons per minute ("gpm") per connection or at least 1,000 gpm and be able to meet peak hourly demands, whichever is less [30 TEX. ADMIN. CODE § 290.45(f)(1) and (f)(5)].</p> <p>4) Failed to monitor the disinfectant residual at representative locations throughout the distribution system on a daily basis [30 TEX. ADMIN. CODE § 290.110(c)(5)(B)].</p> <p>5) Failed to maintain a chloramine residual of at least 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times and issue a boil water notice to the customers of the water supply within 24 hours after the occurrences of chlorine disinfectant residual measurements below 0.5 mg/L [30 TEX. ADMIN. CODE §§</p>	<p><b>Total Assessed:</b> \$6,406</p> <p><b>Total Deferred:</b> \$1,281  <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> \$5,125</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>Water Rights  <b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Public Water Supply  <b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility on December 1, 2007:</p> <p>a. Submitted documentation demonstrating that an adequate plumbing ordinance program has been adopted;</p> <p>b. Submitted a copy of an adequate plant operations manual; and</p> <p>c. Began monitoring the disinfectant residual at representative locations within the distribution system at least once per day.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin maintaining a disinfectant residual of 0.5 mg/L total chlorine throughout the distribution system at all times; and</p> <p>ii. Implement procedures that will ensure boil water notifications are provided to customers within 24 hours of a low disinfectant residual event.</p> <p>b. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Develop and properly maintain a drought contingency plan; and</p> <p>ii. Obtain a water purchase contract that establishes the maximum hourly purchase rate of at least 1,000 gpm and be able to meet peak hourly demands, whichever is less.</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

<p>290.46(q), 290.110(b)(4) and 290.122(a)(2) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c).</p> <p>6) Failed to compile and maintain a plant operations manual [30 TEX. ADMIN. CODE § 290.42(l)].</p>		
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Additional ID No(s): PWS ID 1550138





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	Assigned	17-Dec-2007	Screening	4-Jan-2008	EPA Due	
	PCW	26-Feb-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Texas State Technical College		
Reg. Ent. Ref. No.	RN101236925		
Facility/Site Region	9-Waco	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35174	No. of Violations	5
Docket No.	2008-0055-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Stephen Thompson
Multi-Media	Water Rights	EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

## Penalty Calculation Section

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

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

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

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

Notes

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

Notes

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

Before NOV      NOV to EDPRP/Settlement Offer

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

Notes

**0% Enhancement\*** **Subtotal 6**

Total EB Amounts    
 Approx. Cost of Compliance    
 \*Capped at the Total EB \$ Amount

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

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

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

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

**Screening Date** 4-Jan-2008

**Docket No.** 2008-0055-MLM-E

**PCW**

**Respondent** Texas State Technical College

Policy Revision 2 (September 2002)

**Case ID No.** 35174

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN101236925

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Stephen Thompson

**Compliance History Worksheet**

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

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

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)** 0%

>> **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**

No enhancement is recommended based on the Respondent's compliance history.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

<b>Screening Date</b> 4-Jan-2008	<b>Docket No.</b> 2008-0055-MLM-E	<b>PCW</b>
<b>Respondent</b> Texas State Technical College	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35174	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101236925		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Stephen Thompson		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(i)	
<b>Violation Description</b>	Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with proper provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.	
<b>Base Penalty</b>		\$1,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual				
Potential				<b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>	

>> Programmatic Matrix

	<b>Falsification</b>			
	Major	Moderate	Minor	
	x			
<b>Matrix Notes</b>	100% of the rule requirement was not met.			<b>Percent</b> <input style="width: 50px;" type="text" value="25%"/>

**Adjustment**

\$250

Violation Events

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	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** Texas State Technical College  
**Case ID No.** 35174  
**Reg. Ent. Reference No.** RN101236925  
**Media** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	2-Nov-2007	14-Nov-2007	0.0	\$0	\$1	\$1
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to draft and adopt an adequate plumbing ordinance or service agreement program, calculated from the investigation date to the 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

\$1

**Screening Date** 4-Jan-2008

**Docket No.** 2008-0055-MLM-E

**PCW**

**Respondent** Texas State Technical College

*Policy Revision 2 (September 2002)*

**Case ID No.** 35174

*PCW Revision November 6, 2007*

**Reg. Ent. Reference No.** RN101236925

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Stephen Thompson

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to provide a purchase water contract that allows the maximum hourly purchase rate of at least 2.0 gallons per minute ("gpm") per connection or at least 1,000 gpm and be able to meet peak hourly demands, whichever is less. Specifically, at the time of the investigation, it was noted that the Respondent had not obtained a water purchase contract.

**Base Penalty**

>> Environmental, Property and Human Health Matrix

OR

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

**Percent**

>> Programmatic Matrix

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

**Percent**

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment**

Violation Events

**Number of Violation Events**

**Number of violation days**

*mark only one with an x*

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

**Violation Base Penalty**

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** Texas State Technical College  
**Case ID No.** 35174  
**Reg. Ent. Reference No.** RN101236925  
**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**

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	2-Nov-2007	1-Oct-2008	0.9	\$2	\$31	\$32
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to secure an adequate water purchase contract, calculated from the investigation date to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$32

<b>Screening Date</b> 4-Jan-2008	<b>Docket No.</b> 2008-0055-MLM-E	<b>PCW</b>
<b>Respondent</b> Texas State Technical College	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35174	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101236925		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Stephen Thompson		
<b>Violation Number</b>	3	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(c)(5)(B)	
<b>Violation Description</b>	Failed to monitor the disinfectant residual at representative locations throughout the distribution system on a daily basis. Specifically, it was noted during the investigation that samples were not being collected on a daily basis.	
<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;">50%</span>

>> Programmatic Matrix

	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 0 20px;">0%</span>
<b>Matrix Notes</b>	Failure to properly monitor the disinfectant residual on a daily basis could expose customers of the water system to significant amounts of contaminants that would exceed levels that are protective of human health.				

**Adjustment** \$500

\$500

Violation Events

<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	63	
<i>mark only one with an x</i>	daily			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			<b>Violation Base Penalty</b>	\$500

One monthly event is recommended from the date of the investigation, November 2, 2007, to the date of compliance, December 1, 2007.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$50
	<b>Violation Final Penalty Total</b>
	\$514
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$514	

## Economic Benefit Worksheet

**Respondent** Texas State Technical College  
**Case ID No.** 35174  
**Reg. Ent. Reference No.** RN101236925  
**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
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No commas or \$

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$50	2-Nov-2007	1-Dec-2007	0.0	\$0	\$50	\$50

Notes for AVOIDED costs

The avoided costs include the amount necessary to ensure that disinfectant residual samples are taken on a daily basis, calculated from the date of the investigation to the date of compliance.

Approx. Cost of Compliance

\$50

TOTAL

\$50

**Screening Date** 4-Jan-2008

**Docket No.** 2008-0055-MLM-E

**PCW**

**Respondent** Texas State Technical College

*Policy Revision 2 (September 2002)*

**Case ID No.** 35174

*PCW Revision November 6, 2007*

**Reg. Ent. Reference No.** RN101236925

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Stephen Thompson

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.46(q) and 290.110(b)(4) and 290.122(a)(2) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**

Failed to maintain a chloramine residual of at least 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times and issue a boil water notice to the customers of the water supply within 24 hours after the occurrences of chlorine disinfectant residual measurements below 0.5 mg/L. Specifically, at various locations throughout the distribution system, monitoring records showed that the field tests conducted on August 10, 16-17, 22, 28-29, 2007, September 4, 10-11, 13, 17 and 28, 2007 and October 4, 10, 16-17, 22-23, 2007 revealed that the chloramine disinfectant residual was below 0.5 mg/L and no boil water notices were issued as a result.

**Base Penalty**

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

OR

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

**Percent**

>> **Programmatic Matrix**

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

**Percent**

**Matrix Notes**

If the water supply does not maintain proper levels of disinfection and does not notify consumers of the inadequate disinfection, customers of the water supply could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

**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**

Eighteen single events are recommended. One event for each occurrence during the months of August, September, and October 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** Texas State Technical College  
**Case ID No.** 35174  
**Reg. Ent. Reference No.** RN101236925  
**Media** Public Water Supply  
**Violation No.** 4

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

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

No commas or \$

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	\$500	10-Aug-2007	23-Oct-2007	0.2	\$5	\$101	\$106
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary for additional maintenance and oversight, an increase in chlorine dosage that could have avoided or prevented the low disinfection residual levels, and issue boll water notices to the customers of the water supply, calculated from the dates when the violations occurred.

Approx. Cost of Compliance \$500

TOTAL \$106

<b>Screening Date</b> 4-Jan-2008	<b>Docket No.</b> 2008-0055-MLM-E	<b>PCW</b>
<b>Respondent</b> Texas State Technical College	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35174	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101236925		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Stephen Thompson		
<b>Violation Number</b>	5	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(l)	
<b>Violation Description</b>	Failed to compile and maintain a plant operations manual.	
<b>Base Penalty</b>		\$1,000

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

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual				
Potential				<b>Percent</b> <input style="width: 40px;" type="text" value="0%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>				
		Major	Moderate		Minor
		x			
<b>Matrix Notes</b>	100% of the rule requirement was not met.			<b>Percent</b> <input style="width: 40px;" type="text" value="25%"/>	

**Adjustment**

**Violation Events**

Number of Violation Events	1		12	Number of violation days	
<i>mark only one with an x</i>	daily				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

**Violation Base Penalty**

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input style="width: 150px;" type="text" value="\$0"/>	Violation Final Penalty Total <input style="width: 60px;" type="text" value="\$257"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 60px;" type="text" value="\$257"/>	

## Economic Benefit Worksheet

**Respondent** Texas State Technical College  
**Case ID No.** 35174  
**Reg. Ent. Reference No.** RN101236925  
**Media** Public Water Supply  
**Violation No.** 5

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

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	2-Nov-2007	14-Nov-2007	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 necessary to compile and maintain a plant operations manual, calculated from the investigation date to the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	17-Dec-2007	Screening	4-Jan-2008	EPA Due	
	PCW	4-Jan-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Texas State Technical College
Reg. Ent. Ref. No.	RN101236925
Facility/Site Region	9-Waco
Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35174	No. of Violations	1	
Docket No.	2008-0055-MLM-E	Order Type	1660	
Media Program(s)	Water Rights	Enf. Coordinator	Stephen Thompson	
Multi-Media	Public Water Supply	EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$5,000

## Penalty Calculation Section

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

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

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

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

Notes

**Culpability**   Enhancement Subtotal 4

Notes

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

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

Notes

**0% Enhancement\*** Subtotal 6   
 \*Capped at the Total EB \$ Amount

Total EB Amounts	\$72
Approx. Cost of Compliance	\$300

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

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

Notes

**PAYABLE PENALTY**

**Screening Date** 4-Jan-2008

**Docket No.** 2008-0055-MLM-E

**PCW**

**Respondent** Texas State Technical College

Policy Revision 2 (September 2002)

**Case ID No.** 35174

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN101236925

**Media [Statute]** Water Rights

**Enf. Coordinator** Stephen Thompson

**Compliance History Worksheet**

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

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

>> **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**

No enhancement is recommended based on the Respondent's compliance history.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

<b>Screening Date</b> 4-Jan-2008	<b>Docket No.</b> 2008-0055-MLM-E	<b>PCW</b>
<b>Respondent</b> Texas State Technical College	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35174	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101236925		
<b>Media [Statute]</b> Water Rights		
<b>Enf. Coordinator</b> Stephen Thompson		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 288.30(5)(B)	
<b>Violation Description</b>	Failed to submit and adopt a drought contingency plan by May 1, 2005.	
<b>Base Penalty</b>		\$5,000

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

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

**>> Programmatic Matrix**

	<b>Falsification</b>					
		Major	Moderate	Minor		<b>Percent</b>
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>		
<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	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** Texas State Technical College  
**Case ID No.** 35174  
**Reg. Ent. Reference No.** RN101236925  
**Media** Water Rights  
**Violation No.** 1

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

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	1-May-2005	1-Oct-2008	3.4	\$3	\$68	\$72
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 necessary to create and adopt a drought contingency plan, calculated from the date of required submittal to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

**TOTAL**

. \$72

# Compliance History

Customer/Respondent/Owner-Operator:	CN600389035	Texas State Technical College	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101236925	TEXAS STATE TECHNICAL COLLEGE	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1550138
	WATER LICENSING		LICENSE	1550138
Location:	3801 CAMPUS DRIVE WACO, TEXAS			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	December 18, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 18, 2002 to December 18, 2007			

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

Name: Stephen Thompson Phone: (512) 239-2558

## 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	09/28/2004	(278776)
2	02/14/2005	(347758)
3	07/24/2006	(482910)
4	12/11/2007	(600729)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TEXAS STATE TECHNICAL  
COLLEGE  
RN101236925**

§  
§  
§  
§  
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§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2008-0055-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 Texas State Technical College ("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 at 3801 Campus Drive in Waco, McLennan County, Texas (the "Facility") that has approximately 1,732 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 21, 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 Six Thousand Four Hundred Six Dollars (\$6,406) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand One Hundred Twenty-Five Dollars (\$5,125) of the administrative penalty and One Thousand Two Hundred Eighty-One Dollars (\$1,281) 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 recognizes that the Respondent has implemented the following corrective measures at the Facility on December 1, 2007:
  - a. Submitted documentation demonstrating that an adequate plumbing ordinance program has been adopted;
  - b. Submitted a copy of an adequate plant operations manual; and
  - c. Began monitoring the disinfectant residual at representative locations within the distribution system at least once per day.
10. 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.
11. 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.
12. 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 submit and adopt a drought contingency plan by May 1, 2005, in violation of 30 TEX. ADMIN. CODE § 288.30(5)(B), as documented during an investigation conducted on November 2, 2007.



2. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with proper provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i), as documented during an investigation conducted on November 2, 2007.
3. Failed to provide a purchase water contract that allows the maximum hourly purchase rate of at least 2.0 gallons per minute ("gpm") per connection or at least 1,000 gpm and be able to meet peak hourly demands, whichever is less, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(1) and (f)(5), as documented during an investigation conducted on November 2, 2007.
4. Failed to monitor the disinfectant residual at representative locations throughout the distribution system on a daily basis, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(B), as documented during an investigation conducted on November 2, 2007.
5. Failed to maintain a chloramine residual of at least 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times and issue a boil water notice to the customers of the water supply within 24 hours after the occurrence of chlorine disinfectant residual measurements below 0.5 mg/L, in violation of 30 TEX. ADMIN. CODE §§ 290.46(q), 290.110(b)(4) and 290.122(a)(2) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 2, 2007.
6. Failed to compile and maintain a plant operations manual, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on November 2, 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: Texas State Technical College, Docket No. 2008-0055-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. Immediately upon the effective date of this Agreed Order:



- i. Begin maintaining a disinfectant residual of 0.5 mg/L total chlorine throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
  - ii. Implement procedures that will ensure boil water notifications are provided to customers within 24 hours of a low disinfectant residual event, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.122.
- b. Within 60 days after the effective date of this Agreed Order:
- i. Develop and properly maintain a drought contingency plan, in accordance with 30 TEX. ADMIN. CODE § 288.30; and
  - ii. Obtain a water purchase contract that establishes the maximum hourly purchase rate of at least 1,000 gpm and be able to meet peak hourly demands, whichever is less, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826



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.



MAY. 5. 2008 11:35AM

NO. 5527 P. 8

Texas State Technical College  
DOCKET NO. 2008-0053-MLM-E  
Page 6

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

*John S. [Signature]*  
For the Executive Director

6/2/2008  
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.

*Elton E. Stuckly, Jr.*  
Signature

5-5-2008  
Date

Elton E. Stuckly, Jr.  
Name (Printed or typed)  
Authorized Representative of  
Texas State Technical College

President  
Title

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

