

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0344-PWS-E **TCEQ ID:** RN101176600 **CASE NO.:** 35458

RESPONDENT NAME: Salado Water Supply Corporation

ORDER TYPE:		
<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	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Salado WSC, 410 Salado Plaza Drive, Salado, Bell County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 16, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Enforcement Division, Enforcement Team 2, MC 169; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Ricky Preston, Registered Agent and Manager, Salado Water Supply Corporation, P.O. Box 128, Salado, Texas 76571 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 10, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 6, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to provide a properly constructed intruder-resistant fence in order to protect the system's facilities. Specifically, at the time of the record review, it was documented that the fence at the 50,000 gallon storage tank had bent brackets and tree branches depressing the barbed wire [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>2) Failure to provide a properly constructed intruder-resistant fence in order to protect the system's facilities. Specifically, at the time of the record review, it was documented that there was no fence surrounding the ground storage tank at Well Site No. 7 [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>3) Failure to maintain the Facility's standpipe in strict accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the record review, it was documented that the exterior of the 110,000 gallon standpipe had excessive rust [30 TEX. ADMIN. CODE § 290.43(c)(8)].</p> <p>4) Failure to provide pressure tank capacity of 20 gallons per connection at Pressure Plane No. 4. Specifically, at the time of the record review, it was documented that the system was providing a pressure tank</p>	<p>Total Assessed: \$1,107</p> <p>Total Deferred: \$221 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$886</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility as of February 5, 2008:</p> <p>a. Submitted a letter containing information and pictures documenting that the fence was repaired around the 50,000 gallon elevated storage tank;</p> <p>b. Submitted a letter containing information and pictures documenting that the fence was installed around Well No. 7;</p> <p>c. Submitted a letter containing information and pictures documenting that the exterior coating on the 110,000 gallon stand pipe has been repaired; and</p> <p>d. Submitted a letter containing information and pictures documenting that a 1,000 gallon pressure tank has been installed in Pressure Plane No. 4.</p>

capacity of 30 gallons. Based on the number of connections, the system is required to provide a pressure tank capacity of 580 gallons, which is 95% deficient [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv)].		
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Additional ID No(s): PWS 0140035



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision January 29, 2008

DATES	Assigned	11-Feb-2008	Screening	27-Feb-2008	EPA Due	
	PCW	27-Feb-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Salado Water Supply Corporation
Reg. Ent. Ref. No.	RN101176600
Facility/Site Region	9-Waco
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	35458	No. of Violations	4	
Docket No.	2008-0344-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Christopher Keffer	
Multi-Media		EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement is due to one NOV with the same or similar violations and one dissimilar NOV as those in the current enforcement action.

Culpability **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent submitted documentation of compliance on February 5, 2008.

Subtotal 6

Total EB Amounts 0% Enhancement*
 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 **Adjustment**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 27-Feb-2008

Docket No. 2008-0344-PWS-E

PCW

Respondent Salado Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 35458

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101176600

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
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) 7%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to one NOV with the same or similar violations and one dissimilar NOV as those in the current enforcement action.

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

Screening Date 27-Feb-2008 **Docket No.** 2008-0344-PWS-E **PCW**

Respondent Salado Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 35458 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101176600

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	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 Salado Water Supply Corporation
Case ID No. 35458
Reg. Ent. Reference No. RN101176600
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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	10-Jan-2008	5-Feb-2008	0.1	\$0	\$2	\$2
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs The delayed costs include the amount to repair the barbed wire on the intruder-resistant fence around the 50,000 gallon storage tank, calculated from the date of the record review 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 \$2

Screening Date 27-Feb-2008	Docket No. 2008-0344-PWS-E	PCW
Respondent Salado Water Supply Corporation	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 35458	<small>PCW Revision January 29, 2008</small>	
Reg. Ent. Reference No. RN101176600		
Media [Statute] Public Water Supply		
Enf. Coordinator Christopher Keffer		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	30 Tex. Admin. Code § 290.43(e)	
Violation Description	Failed to provide a properly constructed intruder-resistant fence in order to protect the system's facilities. Specifically, at the time of the record review, it was documented that there was no fence surrounding the ground storage tank at Well Site No. 7.	
Base Penalty		<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50%"/>	

>> Programmatic Matrix

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

Matrix Notes

Failure to provide a proper intruder-resistant fence for the facilities may allow unauthorized persons to enter and damage or vandalize the system which may compromise the system's ability to provide a safe and adequate water supply and could expose customers to a significant amount of pollutants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="26"/>	Number of violation days
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<small>mark only one with an x</small>	daily	<input type="text"/>	
	monthly	x	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Violation Base Penalty

One monthly event is recommended, from the date of the record review, January 10, 2008, to the date of compliance, February 5, 2008.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$2"/>	Violation Final Penalty Total <input type="text" value="\$410"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$410"/>	

Economic Benefit Worksheet

Respondent Salado Water Supply Corporation
Case ID No. 35458
Reg. Ent. Reference No. RN101176600
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	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	10-Jan-2008	5-Feb-2008	0.1	\$0	\$2	\$2
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 build the intruder-resistant fence around the ground storage tank at Well Site No. 7, calculated from the date of the record review 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

\$2

Screening Date 27-Feb-2008	Docket No. 2008-0344-PWS-E	PCW
Respondent Salado Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35458	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN101176600		
Media [Statute] Public Water Supply		
Enf. Coordinator Christopher Keffer		
Violation Number <input type="text" value="3"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.43(c)(8)"/>	
Violation Description	<input 110,000="" at="" awwa")="" documented="" excessive="" exterior="" gallon="" had="" it="" of="" record="" review,="" rust."="" specifically,="" standards.="" standpipe="" that="" the="" time="" type="text" value="Failed to maintain the Facility's standpipe in strict accordance with American Water Works Association (" was=""/>	
Base Penalty		<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>	
				Percent <input type="text" value="25%"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Salado Water Supply Corporation
Case ID No. 35458
Reg. Ent. Reference No. RN101176600
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	10-Jan-2008	5-Feb-2008	0.1	\$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 cost includes the amount to repair the exterior coating on the standpipe, calculated from the date of the record review 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

\$1,000

TOTAL

\$5

Screening Date 27-Feb-2008	Docket No. 2008-0344-PWS-E	PCW
Respondent Salado Water Supply Corporation	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 35458	<small>PCW Revision January 29, 2008</small>	
Reg. Ent. Reference No. RN101176600		
Media [Statute] Public Water Supply		
Enf. Coordinator Christopher Keffer		
Violation Number <input type="text" value="4"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.45(b)(1)(D)(iv)"/>	
Violation Description	<input type="text" value="Failed to provide pressure tank capacity of 20 gallons per connection at Pressure Plane No. 4. Specifically, at the time of the record review, it was documented that the system was providing a pressure tank capacity of 30 gallons. Based on the number of connections, the system is required to provide a pressure tank capacity of 580 gallons, which is 95% deficient."/>	
Base Penalty		<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50%"/>	

>> Programmatic Matrix

	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <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>	daily	<input type="text"/>
	monthly	x
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Salado Water Supply Corporation
Case ID No. 35458
Reg. Ent. Reference No. RN101176600
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	10-Jan-2008	5-Feb-2008	0.1	\$0	\$5	\$5
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide adequate pressure tank capacity. Date required is the record review date. Final date is the 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

\$1,000

TOTAL

\$5

Compliance History

Customer/Respondent/Owner-Operator:	CN600624605	Salado WSC	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101176600	SALADO WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0140035	
	WATER LICENSING	LICENSE	0140035	
Location:	410 Salado Plaza Drive, Salado, Bell County			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	February 25, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 25, 2003 to February 25, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Christopher Keffer	Phone:	(512) 239-5610	

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 | 06/12/2003 | (112798) |
| 2 | 07/09/2007 | (564413) |
| 3 | 09/14/2007 | (572196) |
| 4 | 10/29/2007 | (596328) |
| 5 | 02/06/2008 | (614215) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | | |
|--------------|---|----------|-----------------|-------|
| Date: | 06/15/2007 | (564413) | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A) | | | |
| Description: | Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists. | | | |
| Date: | 07/08/2007 | (564413) | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.43(c)(3) | | | |
| Description: | Failure to insure that the overflow on the 200,000 elevated tank terminates at a point above ground level and is protected from submergence. | | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.43(e) | | | |
| Description: | Failure to provide an intruder-resistant fence or lockable building in order to protect the ground storage tanks. | | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.43(c)(8) | | | |
| Description: | Failure to properly maintain the exterior coating on the stand pipe. | | | |

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(ii)
Description: Failure to provide adequate total storage capacity.
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)
Description: Failure to provide adequate pressure tank or elevated storage tank capacity.

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
SALADO WATER SUPPLY
CORPORATION
RN101176600

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0344-PWS-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a public water supply at 410 Salado Plaza Drive in Salado, Bell County, Texas (the "Facility") that has approximately 1,686 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 11, 2008.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand One Hundred Seven Dollars (\$1,107) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Hundred Eighty-Six Dollars (\$886) of the administrative penalty and Two Hundred Twenty-One Dollars (\$221) is deferred contingent upon

- the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility as of February 5, 2008:
 - a. Submitted a letter containing information and pictures documenting that the fence was repaired around the 50,000 gallon elevated storage tank;
 - b. Submitted a letter containing information and pictures documenting that the fence was installed around Well No. 7;
 - c. Submitted a letter containing information and pictures documenting that the exterior coating on the 110,000 gallon stand pipe has been repaired; and
 - d. Submitted a letter containing information and pictures documenting that a 1,000 gallon pressure tank has been installed in Pressure Plane No. 4.
 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 operator of the Facility, the Respondent is alleged to have:

1. Failed to provide a properly constructed intruder-resistant fence in order to protect the system's facilities, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during a record review conducted on January 10, 2008. Specifically, at the time of the record review, it was documented that the fence at the 50,000 gallon storage tank had bent brackets and tree branches depressing the barbed wire.

2. Failed to provide a properly constructed intruder-resistant fence in order to protect the system's facilities, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during a record review conducted on January 10, 2008. Specifically, at the time of the record review, it was documented that there was no fence surrounding the ground storage tank at Well Site No. 7.
3. Failed to maintain the Facility's standpipe in strict accordance with American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8), as documented during a record review conducted on January 10, 2008.
4. Failed to provide pressure tank capacity of 20 gallons per connection at Pressure Plane No. 4, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv), as documented during a record review conducted on January 10, 2008.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Salado Water Supply Corporation, Docket No. 2008-0344-PWS-E" to:

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

2. The 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.
3. 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.
4. 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.

5. 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



For the Executive Director

Date 6/18/08

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.



Signature

Date 4-1-08

RICKY PRESTON

Name (Printed or typed)
Authorized Representative of
Salado Water Supply Corporation

Title MANAGER

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.

