



**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> March 13, 2007, and June 13, 2007</p> <p><b>Date of NOE Relating to this Case:</b> August 3, 2007 (NOE)</p> <p><b>Background Facts:</b></p> <p>The EDPRP was filed on February 1, 2008 and mailed to the Registered Agent and President of Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned both of the wrappers sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that the Respondent received notice of the EDPRP. The Respondent has failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>PWS:</b></p> <ol style="list-style-type: none"> <li>Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iii)].</li> <li>Failed to provide accurate metering devices at each service connection to provide water usage data [30 TEX. ADMIN. CODE § 290.44(d)(4)].</li> <li>Failed to properly seal the hypochlorination solution container to prevent the entrance of dust, insects, and other contaminants [30 TEX. ADMIN. CODE § 290.42(e)(5)].</li> <li>Failed to compile and maintain a plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</li> </ol>	<p><b>Total Assessed:</b> \$5,647</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> SEP Conditional Offset  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>Total Due to General Revenue:</b> \$5,647</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification</b> N/A</p> <p><b>Person Compliance History Classification</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provision(s)</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Immediately:             <ol style="list-style-type: none"> <li>Begin maintaining a free chlorine residual of 0.2 mg/L throughout the distribution system at all times;</li> <li>Begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to complaint logs and the amount of treatment chemicals used weekly and make them available at the time of Commission inspections;</li> <li>Properly seal the hypochlorination solution container in a manner that will prevent the entrance of dust, insects, and contaminates; and</li> <li>Create and begin maintaining an up-to-date chemical and microbiological monitoring plan for the Facility.</li> </ol> </li> <li>Within 30 days:             <ol style="list-style-type: none"> <li>Prepare and adopt a drought contingency plan for the water supply;</li> <li>Employ a water works operator who holds a minimum of a Class D license;</li> <li>Post in plain view a legible sign with the water supply name and emergency phone numbers; and</li> <li>Submit payment for all outstanding fees, interest, and penalties;</li> </ol> </li> <li>Within 45 days, certify compliance with Ordering Provision Nos. 1.a. through 2.d.</li> <li>Within 60 days:             <ol style="list-style-type: none"> <li>Provide accurate metering devices at each service connection;</li> <li>Compile and begin maintaining an up-to-date and thorough plant operations</li> </ol> </li> </ol>

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to equip the ground storage tank with a water level indicator [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>6. Failed to provide the pressure tank with a pressure release device [30 TEX. ADMIN. CODE § 290.43(d)(2)].</p> <p>7. Failed to provide an intruder-resistant fence to protect the Facility's water storage tank and pressure tank [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>8. Failed to maintain a minimum disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(2)(A) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>9. Failed to provide records of complaints and records of treatment chemicals used weekly [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(III) and (3)(A)(iii)].</p> <p>10. Failed to conduct an annual inspection of the water system's pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>11. Failed to conduct an annual inspection of the ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>12. Failed to calibrate the Facility's well meter once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>13. Failed to post a legible sign that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>14. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>15. Failed to provide a pressure tank capacity of 20 gallons per connection for the 25 community connections and 10 gallons per unit for the one noncommunity transient connection serving 40 noncommunity transient connections [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv), (c)(1)(B)(iv), and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>		<p>c. manual for operator review and reference;</p> <p>d. Properly calibrate the well meter;</p> <p>e. Equip the ground storage tank with a water level indicator;</p> <p>f. Provide the pressure tank with a pressure release device;</p> <p>g. Conduct an annual inspection of the pressure tank;</p> <p>h. Conduct an annual inspection of the ground storage tank; and</p> <p>i. Provide a gravity hinged and weighted cover on the overflow pipe of the ground storage tank.</p> <p>5. Within 75 days, certify compliance with Ordering Provision Nos. 4.a. through 4.i.</p> <p>6. Within 90 days:</p> <p>a. Provide two working service pumps with a total rated pumping capacity of 2.0 gpm per connection;</p> <p>b. Provide an intruder-resistant fence with lockable gates for the water storage tank and pressure tank;</p> <p>c. Provide a pressure tank capacity of 20 gallons per connection; and</p> <p>d. Provide a ground storage capacity of 200 gallons per connection.</p> <p>7. Within 105 days, certify compliance with Ordering Provision Nos. 6.a. through 6.d.</p>

- |   |  |  |
|---|--|--|
| <p>16. Failed to provide on the overflow pipe on the ground storage tank a gravity-hinged and weighted cover that has a good mechanical seal when closed in order to prevent the possible entrance of insects or other contaminants into the water supply [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>17. Failed to operate the Facility at all times under the direct supervision of a water works operator who holds a Class D or higher license [30 TEX. ADMIN. CODE § 290.46(e) and TEX. HEALTH &amp; SAFETY CODE § 341.033(a)].</p> <p>18. Failed to provide a minimum ground storage capacity of 200 gallons per connection for the 25 community connections, 35 gallons per minute per connection for the one noncommunity transient connection serving 40 noncommunity transient connections, and 50% of the maximum daily demand for the 50 seat restaurant [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(ii), (c)(1)(B)(ii), and (d)(2)(B)(ii), and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>19. Failed to provide a copy of an adopted drought contingency plan [30 TEX. ADMIN. CODE § 288.20(a) and 288.30(5)(B)].</p> <p>20. Failed to pay consolidated water quality fees, including late fees, for TCEQ Financial Administration Account Nos. 23002690 and 91580002 for Fiscal Years 2005, 2006, and 2007 [TEX. WATER CODE §§ 26.0135(h) and 5.702].</p> |  |  |
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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

**TCEQ**

DATES	Assigned	6-Aug-2007	Screening	16-Aug-2007	EPA Due	
	PCW	16-Aug-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Derdeyn/Ford, Inc.
Reg. Ent. Ref. No.	RN102684339
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	34485	No. of Violations	1
Docket No.	2007-1372-MLM-E	Order Type	1660
Media Program(s)	Water Rights	Enf. Coordinator	Epifanio Villarreal
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** 2% Enhancement *Subtotals 2, 3, & 7*

Notes: The penalty enhancement is due to one dissimilar prior Notice of Violation containing violations that are not the same as or similar to the violations in the current enforcement action.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

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

**Total EB Amounts** \$17 *Subtotal 6*   
 Approx. Cost of Compliance \$300 \*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. (Enter number only; e.g. -30 for -30%.)

Notes:

*Final Penalty Amount*

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

**DEFERRAL** 0% Reduction *Adjustment*

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

Notes:

Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY**

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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	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)** 2%

>> Repeat Violator (Subtotal 3)

N/A

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

>> Compliance History Person Classification (Subtotal 7)

N/A

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

>> Compliance History Summary

**Compliance History Notes**

The penalty enhancement is due to one dissimilar prior Notice of Violation containing violations that are not the same as or similar to the violations in the current enforcement action.

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

<b>Screening Date</b> 16-Aug-2007	<b>Docket No.</b> 2007-1372-MLM-E	<b>PCW</b>
<b>Respondent</b> Derdeyn/Ford, Inc.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 34485	<i>PCW Revision June 26, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN102684339		
<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**

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

**>> Programmatic Matrix**

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	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** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**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
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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	13-Jun-2007	1-Apr-2008	0.8	\$1	\$16	\$17
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 create and maintain a drought contingency plan for the water supply, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$17



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

<b>DATES</b>	Assigned	6-Aug-2007	Screening	16-Aug-2007	EPA Due	
	PCW	16-Aug-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Derdeyn/Ford, Inc.
Reg. Ent. Ref. No.	RN102684339
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	34485	No. of Violations	19	
Docket No.	2007-1372-MLM-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Epifanio Villarreal	
Multi-Media	Water Rights	EC's Team	EnforcementTeam 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>\$4,350</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>	5% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$217</b>
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Notes: The penalty enhancement is due to one prior Notice 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 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>	<b>\$1,957</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
<b>Approx. Cost of Compliance</b>	<b>\$22,270</b>	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$4,567</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	13%	<b>Adjustment</b>	<b>\$570</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

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

<b>Final Penalty Amount</b>	<b>\$5,137</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$5,137</b>
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<b>DEFERRAL</b>		Reduction	<b>Adjustment</b>	<b>\$0</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 not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$5,137</b>
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Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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)	1	5%
	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 judgments 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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one prior Notice 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) 5%

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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="25%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x	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"/>

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** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**Media** Public Water Supply  
**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
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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	\$2,000	13-Jun-2007	1-Jun-2008	1.0	\$6	\$129	\$136
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to obtain an additional service pump that will create a total capacity of 2.0 gallons per minute per connection, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$136

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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="5%"/>
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

mark only one with an x

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment	\$6,600	13-Jun-2007	1-May-2008	0.9	\$19	\$389	\$409
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to provide metering devices for each service connection, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,600

TOTAL

\$409

<p><b>Screening Date</b> 16-Aug-2007</p> <p><b>Respondent</b> Derdeyn/Ford, Inc.</p> <p><b>Case ID No.</b> 34485</p> <p><b>Reg. Ent. Reference No.</b> RN102684339</p> <p><b>Media [Statute]</b> Public Water Supply</p> <p><b>Enf. Coordinator</b> Epifanio Villarreal</p> <p><b>Violation Number</b> <input type="text" value="3"/></p> <p><b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.42(e)(5)"/></p> <p><b>Violation Description</b> <input type="text" value="Failed to properly seal the hypochlorination solution container to prevent the entrance of dusts, insects, and other contaminants. Specifically, at the time of the record review, it was documented that the hypochlorinator solution container was not sealed in a manner to prevent insects and other material from entering the container."/></p>	<p><b>Docket No.</b> 2007-1372-MLM-E</p> <p style="text-align: right;"><b>PCW</b></p> <p style="text-align: right;"><small>Policy Revision 2 (September 2002)</small></p> <p style="text-align: right;"><small>PCW Revision June 26, 2007</small></p>																																															
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	single event	x																																														
<b>Economic Benefit (EB) for this violation</b>																																																
<b>Estimated EB Amount</b> <input type="text" value="\$3"/>	<b>Statutory Limit Test</b>																																															
<b>Violation Final Penalty Total</b> <input type="text" value="\$59"/>																																																
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$59"/>																																																

## Economic Benefit Worksheet

Respondent **Derdeyn/Ford, Inc.**  
 Case ID No. **34485**  
 Reg. Ent. Reference No. **RN102684339**  
 Media **Public Water Supply**  
 Violation No. **3**

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	13-Jun-2007	1-Mar-2008	0.7	\$0	\$2	\$3
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 properly seal the hypochlorination solution container, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$3

<p><b>Screening Date</b> 16-Aug-2007</p> <p><b>Respondent</b> Derdeyn/Ford, Inc.</p> <p><b>Case ID No.</b> 34485</p> <p><b>Reg. Ent. Reference No.</b> RN102684339</p> <p><b>Media [Statute]</b> Public Water Supply</p> <p><b>Enf. Coordinator</b> Epifanio Villarreal</p> <p><b>Violation Number</b> <input type="text" value="4"/></p> <p><b>Rule Cite(s)</b> <input style="width:100%;" type="text" value="30 Tex. Admin. Code § 290.42(l)"/></p> <p><b>Violation Description</b> <input style="width:100%; height: 80px;" type="text" value="Failed to compile and maintain a plant operations manual for operator review and reference."/></p>	<p><b>Docket No.</b> 2007-1372-MLM-E</p> <p style="text-align: right;"><b>PCW</b></p> <p style="text-align: right; font-size: small;">Policy Revision 2 (September 2002) PCW Revision June 26, 2007</p>																			
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	<b>Falsification</b>																			
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	x	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width:50px;" type="text" value="10%"/>																
<b>Adjustment</b> <input style="width:100%;" type="text" value="\$900"/>																				
<input style="width:100%;" type="text" value="\$100"/>																				
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<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																		
<b>Economic Benefit (EB) for this violation</b>																				
<p><b>Estimated EB Amount</b> <input style="width:100%;" type="text" value="\$4"/></p>	<b>Statutory Limit Test</b>																			
	<p><b>Violation Final Penalty Total</b> <input style="width:100%;" type="text" value="\$118"/></p> <p><b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width:100%;" type="text" value="\$118"/></p>																			

### Economic Benefit Worksheet

**Respondent** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**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	\$100	13-Jun-2007	1-May-2008	0.9	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount required to compile and maintain a facility operations manual, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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"/>	<input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input 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** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment	\$250	13-Jun-2007	1-May-2008	0.9	\$1	\$15	\$15
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to provide a water level indicator, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$15

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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="10%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Without a pressure release device, the pressure tank would be unable to release excess pressure in the tank which could cause damage to the distribution lines and booster pumps as a result of water hammers which would expose the water supply to significant amount of contaminants that do not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events   Number of violation days

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

Violation Base Penalty

One quarterly event is recommended from the date of the record review, June 13, 2007, to the date of screening, August 16, 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** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	13-Jun-2007	1-May-2008	0.9	\$1	\$29	\$31
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to install a pressure release device, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$31

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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="25%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

	<input type="text" value="3"/>	<input type="text" value="64"/>	Number of violation days
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$750"/>
	monthly	<input type="text" value="x"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

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** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**Media** Public Water Supply  
**Violation No.** 7

<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)	\$1,500	13-Jun-2007	1-Jun-2008	1.0	\$5	\$97	\$102
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 erect an intruder-resistant fence around the storage and pressure tank, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$102

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.46(d)(2)(A) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to maintain a minimum disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, at the time of the record review, it was noted that a chlorine residual field test taken on March 13, 2007 revealed a chlorine residual of 0.06 mg/L.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

If the water supply does not maintain proper levels of 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

	<input type="text" value="1"/>	<input type="text" value="1"/>	Number of violation days	
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$100"/>
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input checked="" type="text" value="x"/>			

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** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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]	\$100	13-Mar-2007	1-Mar-2008	1.9	\$9	\$100	\$109
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to increase chlorine dosage and adjust the chlorinator to ensure there is adequate chlorine in the water supply, calculated from the date of the chlorine residual field test to the estimated date of compliance.

Approx. Cost of Compliance

\$100

TOTAL

\$109

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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 checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="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** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**Media** Public Water Supply  
**Violation No.** 9

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	13-Jun-2007	1-Mar-2008	0.7	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to create and maintain a record of complaints and annotate the amount of chemicals used weekly, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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="25%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

OR

>> 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

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

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

Respondent **Derdeyn/Ford, Inc.**  
 Case ID No. **34485**  
 Reg. Ent. Reference No. **RN102684339**  
 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)				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	\$200	13-Jun-2006	13-Jun-2007	1.0	\$10	\$200	\$210
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 record review.

Approx. Cost of Compliance

\$200

TOTAL

\$210

<b>Screening Date</b> 16-Aug-2007	<b>Docket No.</b> 2007-1372-MLM-E	<b>PCW</b>
<b>Respondent</b> Derdeyn/Ford, Inc.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 34485	<i>PCW Revision June 26, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN102684339		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> 11		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)(1)(A)	
<b>Violation Description</b>	Failed to conduct an annual inspection of the ground storage tank.	
<b>Base Penalty</b>		\$1,000

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

<b>OR</b>	<b>Harm</b>				
	Release	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**

	Falsification	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**

Complete failure to perform an inspection of the ground storage 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 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	x
single event	<input type="text"/>	

**Violation Base Penalty**

One annual event is recommended.

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

Estimated EB Amount <input type="text" value="\$210"/>	Violation Final Penalty Total <input type="text" value="\$118"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$118"/>	

## Economic Benefit Worksheet

Respondent **Derdeyn/Ford, Inc.**  
 Case ID No. **34485**  
 Reg. Ent. Reference No. **RN102684339**  
 Media **Public Water Supply**  
 Violation No. **11**

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	\$200	13-Jun-2006	13-Jun-2007	1.0	\$10	\$200	\$210
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 inspection, calculated for the one year prior to the date of the record review.

Approx. Cost of Compliance

\$200

TOTAL

\$210

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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="5%"/>
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

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**Media** Public Water Supply  
**Violation No.** 12

<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)	\$200	13-Jun-2007	1-Apr-2008	0.8	\$1	\$11	\$11
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 properly calibrate the well meter, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$11

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="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 **Derdeyn/Ford, Inc.**  
 Case ID No. **34485**  
 Reg. Ent. Reference No. **RN102684339**  
 Media **Public Water Supply**  
 Violation No. **13**

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$100	13-Jun-2007	1-Mar-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 cost includes the amount to post a proper sign at the water treatment plant, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100 TOTAL \$5

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

Respondent **Derdeyn/Ford, Inc.**  
 Case ID No. **34485**  
 Reg. Ent. Reference No. **RN102684339**  
 Media **Public Water Supply**  
 Violation No. **14**

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	13-Jun-2007	1-Mar-2008	0.7	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to prepare and begin maintaining a chemical and microbiological monitoring plan for the distribution system, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

<b>Screening Date</b> 16-Aug-2007		<b>Docket No.</b> 2007-1372-MLM-E		<b>PCW</b>
<b>Respondent</b> Derdeyn/Ford, Inc.		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 34485		<i>PCW Revision June 26, 2007</i>		
<b>Reg. Ent. Reference No.</b> RN102684339				
<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>	30 Tex. Admin. Code § 290.45(b)(1)(B)(iv), (c)(1)(B)(iv), and Tex. Health & Safety Code § 341.0315(c)			
<b>Violation Description</b>	Failed to provide a pressure tank capacity of 20 gallons per connection for the 25 community connections and 10 gallons per unit for the one noncommunity transient connection serving 40 noncommunity transient connections. Specifically, the water system should be providing a minimum pressure tank capacity of 900 gallons for the community and noncommunity parts of the system. However, the current pressure tank has a capacity of only 750 gallons, which is 17% deficient.			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="10%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Without sufficient pressure tank capacity, customers of the water supply could experience low water pressure or water outages and the system's ability to provide a safe and adequate water supply could be impaired.			
<b>Adjustment</b>				<input type="text" value="\$900"/>
				<input type="text" value="\$100"/>
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="64"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
		<b>Violation Base Penalty</b> <input type="text" value="\$100"/>		
One quarterly event is recommended from the date of the record review, June 13, 2007, to the date of screening, August 16, 2007				
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		<input type="text" value="\$339"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$118"/>	
			<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$118"/>	

## Economic Benefit Worksheet

Respondent **Derdeyn/Ford, Inc.**  
 Case ID No. **34485**  
 Reg. Ent. Reference No. **RN102684339**  
 Media **Public Water Supply**  
 Violation No. **15**

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	13-Jun-2007	1-Jun-2008	1.0	\$16	\$323	\$339
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 adequate pressure tank capacity for the community and noncommunity transient connections, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$339

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 16

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)

Violation Description

Failed to provide a gravity-hinged and weighted cover on the overflow pipe on the ground storage tank that has a good mechanical seal when closed in order to prevent the possible entrance of insects or other contaminants into the water supply. Specifically, it was noted that the overflow pipe did not have a gravity hinged and weighted cover.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failing to provide a gravity hinged and weighted cover on the overflow pipe of the storage tank, could expose the water source to contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 64 Number of violation days

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

Violation Base Penalty \$750

Three monthly events are recommended from the date of the record review, June 13, 2007, to the date of screening, August 16, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$886

This violation Final Assessed Penalty (adjusted for limits) \$886

## Economic Benefit Worksheet

**Respondent** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**Media** Public Water Supply  
**Violation No.** 16

<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)	\$200	13-Jun-2007	1-May-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 purchase and install a gravity hinged and weighted cover, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$12

<p><b>Screening Date</b> 16-Aug-2007</p> <p><b>Respondent</b> Derdeyn/Ford, Inc.</p> <p><b>Case ID No.</b> 34485</p> <p><b>Reg. Ent. Reference No.</b> RN102684339</p> <p><b>Media [Statute]</b> Public Water Supply</p> <p><b>Enf. Coordinator</b> Epifanio Villarreal</p> <p><b>Violation Number</b> <input type="text" value="17"/></p> <p><b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.46(e) and Tex. Health &amp; Safety Code § 341.033(a)"/></p> <p><b>Violation Description</b> <input type="text" value="Failed to operate the water system at all times under the direct supervision of a water works operator who holds-a Class D or higher license."/></p>	<p><b>Docket No.</b> 2007-1372-MLM-E</p> <p><b>PCW</b></p> <p><i>Policy Revision 2 (September 2002)</i></p> <p><i>PCW Revision June 26, 2007</i></p>																			
<b>Base Penalty</b> <input type="text" value="\$1,000"/>																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td><b>Actual</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2"><b>Percent</b> <input type="text" value="25%"/></td> </tr> <tr> <td><b>Potential</b></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>	<b>Potential</b>	x	<input type="text"/>	<input type="text"/>
	<b>Harm</b>																			
<b>Release</b>	Major	Moderate	Minor																	
<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>																
<b>Potential</b>	x	<input type="text"/>	<input type="text"/>																	
<b>&gt;&gt; Programmatic Matrix</b>																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td><b>Falsification</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><b>Percent</b> <input type="text" value="0%"/></td> </tr> </table>		Major	Moderate	Minor		<b>Falsification</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>									
	Major	Moderate	Minor																	
<b>Falsification</b>	<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="Without a licensed water works operator managing the facility, improper management of the water supply could result in customers of the water supply being exposed to contaminants which would exceed levels that are protective of human health."/>																			
<b>Adjustment</b> <input type="text" value="\$750"/>																				
<input type="text" value="\$250"/>																				
<b>Violation Events</b>																				
<b>Number of Violation Events</b> <input type="text" value="3"/>	<input type="text" value="64"/> <b>Number of violation days</b>																			
<p><i>mark only one with an x</i></p> <table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	x	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$750"/>							
daily	<input type="text"/>																			
monthly	x																			
quarterly	<input type="text"/>																			
semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	<input type="text"/>																			
<input type="text" value="Three monthly events are recommended from the date of the record review, June 13, 2007, to the date of screening, August 16, 2007."/>																				
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>																			
<b>Estimated EB Amount</b> <input type="text" value="\$13"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$886"/>																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$886"/>																				

## Economic Benefit Worksheet

Respondent **Derdeyn/Ford, Inc.**  
 Case ID No. **34485**  
 Reg. Ent. Reference No. **RN102684339**  
 Media **Public Water Supply**  
 Violation No. **17**

Percent Interest	Years of Depreciation
5.0	15

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

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	\$70	13-Jun-2007	16-Aug-2007	0.2	\$1	\$12	\$13
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the exam costs for a Class D license, calculated from the date of the record review to the screening date.

Approx. Cost of Compliance \$70

TOTAL \$13

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 18

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(B)(ii), (c)(1)(B)(ii), (d)(2)(B)(ii), and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a minimum ground storage capacity of 200 gallons per connection for the 25 community connections, 35 gallons per minute per connection for the one noncommunity transient connection serving 40 noncommunity transient connections, and 50% of the maximum daily demand for the 50 seat restaurant. Specifically, with 25 residential and 40 hotel connections plus a 50 seat restaurant, the water system should be providing a minimum ground storage capacity of 6,850 gallons. However, the system currently provides a ground storage capacity of 5,400 gallons, which is 21% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Without sufficient total ground storage tank capacity, customers of the water supply could possibly experience water outages and the system's ability to provide a safe and adequate water supply could be impaired.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 64

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

Violation Base Penalty \$100

One quarterly event is recommended from the date of the record review, June 13, 2007, to the date of screening, August 17, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$339

Violation Final Penalty Total \$118

This violation Final Assessed Penalty (adjusted for limits) \$118

## Economic Benefit Worksheet

**Respondent** Derdeyn/Ford, Inc.  
**Case ID No.** 34485  
**Reg. Ent. Reference No.** RN102684339  
**Media** Public Water Supply  
**Violation No.** 18

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)	\$5,000	13-Jun-2007	1-Jun-2008	1.0	\$16	\$323	\$339
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 total ground storage tank capacity of 200 gallons per connection, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$339

Screening Date 16-Aug-2007

Docket No. 2007-1372-MLM-E

PCW

Respondent Derdeyn/Ford, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34485

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102684339

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 type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x

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

Violation Base Penalty

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

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 **Derdeyn/Ford, Inc.**  
 Case ID No. **34485**  
 Reg. Ent. Reference No. **RN102684339**  
 Media **Public Water Supply**  
 Violation No. **19**

Percent Interest	Years of Depreciation
5.0	15

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

Notes for DELAYED costs

There is no economic benefit associated with this violation.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN601122468 Derdeyn/Ford, Inc.	Classification: AVERAGE	Rating: 1.50
Regulated Entity:	RN102684339 TEJAS VILLAGE	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	1580002 1580002
Location:	509 TEJAS RD, JEFFERSON, MARION COUNTY		
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	August 16, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 16, 2002 to August 16, 2007		

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

Name: Epifanio 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 | 01/03/2003 | (20399)  |  |
| 2 | 05/16/2007 | (557619) |  |
| 3 | 08/02/2007 | (564226) |  |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |   |                 |          |
|--------------|---|-----------------|----------|
| Date:        | 01/03/2003  | (20399)         |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)<br>5A THC Chapter 341, SubChapter A 341.0315(c)       |                 |          |
| Description: | Failure to maintain two or more service pumps for a community water system serving 50 or fewer connections. |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.44(d)(4)   |                 |          |
| Description: | Failure to provide accurate metering devices at each service connection to provide water usage data.        |                 |          |
- 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  
DERDEYN/FORD, INC. DBA  
TEJAS VILLAGE;  
RN102684339**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER DOCKET NO. 2007-1372-MLM-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 5, 7, 11 and 26, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Derdeyn/Ford, Inc. dba Tejas Village ("Derdeyn/Ford").

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

### **FINDINGS OF FACT**

1. Derdeyn/Ford owns and operates a public water system located at 509 Tejas Road, Jefferson, Marion County, Texas (the "Facility").
2. The Facility provides water for human consumption as defined in 30 TEX. ADMIN. CODE § 290.38(29), has 66 service connections,<sup>1</sup> and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(47).
3. During an investigation conducted on March 13, 2007, and a record review conducted on June 13, 2007, a TCEQ Tyler Regional Office investigator documented that Derdeyn/Ford:
  - a. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, the Facility had only one service pump with a rated capacity of 2.0 gpm;

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<sup>1</sup> 25 community connections, 40 transient non-community connections, and one restaurant

- b. Failed to provide accurate metering devices at each service connection to provide water usage data. Specifically, the Facility did not have a meter at each service connection;
- c. Failed to properly seal the hypochlorination solution container to prevent the entrance of dust, insects, and other contaminants. Specifically, the hypochlorinator solution container was not sealed;
- d. Failed to compile and maintain a plant operations manual for operator review and reference;
- e. Failed to equip the ground storage tank with a water level indicator;
- f. Failed to provide the pressure tank with a pressure release device;
- g. Failed to provide an intruder-resistant fence to protect the Facility's water storage tank and pressure tank;
- h. Failed to maintain a minimum disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, a chlorine residual field test taken on March 13, 2007, revealed a chlorine residual of 0.06 mg/L;
- i. Failed to provide records of complaints and records of treatment chemicals used weekly;
- j. Failed to conduct an annual inspection of the water system's pressure tank;
- k. Failed to conduct an annual inspection of the ground storage tank;
- l. Failed to calibrate the Facility's well meter once every three years;
- m. 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;
- n. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements;

- o. Failed to provide a pressure tank capacity of 20 gallons per connection for the 25 community connections and 10 gallons per unit for the one noncommunity transient connection serving 40 noncommunity transient connections. Specifically, the water system should provide a minimum pressure tank capacity of 900 gallons for the community and noncommunity parts of the Facility. However, the current pressure tank has a capacity of only 750 gallons, which is 17% deficient;
  - p. Failed to provide on the overflow pipe on the ground storage tank a gravity-hinged and weighted cover that has a good mechanical seal when closed in order to prevent the possible entrance of insects or other contaminants into the water supply;
  - q. Failed to operate the Facility at all times under the direct supervision of a water works operator who holds a Class D or higher license;
  - r. Failed to provide a minimum ground storage capacity of 200 gallons per connection for the 25 community connections, 35 gallons per minute per connection for the one noncommunity transient connection serving 40 noncommunity transient connections, and 50% of the maximum daily demand for the 50 seat restaurant. Specifically, with 25 residential and 40 hotel connections plus a 50 seat restaurant, the Facility should be providing a minimum ground storage capacity of 6,850 gallons. However, the Facility currently provides a ground storage capacity of 5,400 gallons, which is 21% deficient; and
  - s. Failed to provide a copy of an adopted drought contingency plan.
4. During a record review conducted on August 22, 2007, a TCEQ Regional Office investigator documented that Derdeyn/Ford failed to pay consolidated water quality fees, including late fees, for TCEQ Financial Administration Account Nos. 23002690 and 91580002 for Fiscal Years 2005, 2006, and 2007.
5. Derdeyn/Ford received notice of the violations in paragraph 3.a. through 3.s. on or about August 8, 2007.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Derdeyn/Ford, Inc. dba Tejas Village" (the "EDPRP") in the TCEQ Chief Clerk's office on February 1, 2008.

7. By letter dated February 1, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served both the Registered Agent and the President of Derdeyn/Ford with notice of the EDPRP. The United States Postal Service returned both of the wrappers sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Derdeyn/Ford received notice of the EDPRP.
8. More than 20 days have elapsed since Derdeyn/Ford received notice of the EDPRP, provided by the Executive Director. Derdeyn/Ford failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Derdeyn/Ford is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7, 11 and 26, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Derdeyn/Ford failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iii).
3. As evidenced by Finding of Fact No. 3.b., Derdeyn/Ford failed to provide accurate metering devices at each service connection to provide water usage data, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(4).
4. As evidenced by Finding of Fact No. 3.c., Derdeyn/Ford failed to properly seal the hypochlorination solution container to prevent the entrance of dust, insects, and other contaminants, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5).
5. As evidenced by Finding of Fact No. 3.d., Derdeyn/Ford failed to compile and maintain a plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(1).
6. As evidenced by Finding of Fact No. 3.e., Derdeyn/Ford failed to equip the ground storage tank with a water level indicator, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).
7. As evidenced by Finding of Fact No. 3.f., Derdeyn/Ford failed to provide the pressure tank with a pressure release device, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2).

8. As evidenced by Finding of Fact No. 3.g., Derdeyn/Ford failed to provide an intruder-resistant fence to protect the Facility's water storage tank and pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(e).
9. As evidenced by Finding of Fact No. 3.h., Derdeyn/Ford failed to maintain a minimum disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
10. As evidenced by Finding of Fact No. 3.i., Derdeyn/Ford failed to provide records of complaints and records of treatment chemicals used weekly, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(III) and (3)(A)(iii).
11. As evidenced by Finding of Fact No. 3.j., Derdeyn/Ford 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).
12. As evidenced by Finding of Fact No. 3.k., Derdeyn/Ford failed to conduct an annual inspection of the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
13. As evidenced by Finding of Fact No. 3.l., Derdeyn/Ford failed to calibrate the Facility's well meter once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
14. As evidenced by Finding of Fact No. 3.m., Derdeyn/Ford 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).
15. As evidenced by Finding of Fact No. 3.n., Derdeyn/Ford failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
16. As evidenced by Finding of Fact No. 3.o., Derdeyn/Ford failed to provide a pressure tank capacity of 20 gallons per connection for the 25 community connections and 10 gallons per unit for the one noncommunity transient connection serving 40 noncommunity transient connections, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv), (c)(1)(B)(iv), and TEX. HEALTH & SAFETY CODE § 341.0315(c).

17. As evidenced by Finding of Fact No. 3.p., Derdeyn/Ford failed to provide on the overflow pipe on the ground storage tank a gravity-hinged and weighted cover that has a good mechanical seal when closed in order to prevent the possible entrance of insects or other contaminants into the water supply, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
18. As evidenced by Finding of Fact No. 3.q., Derdeyn/Ford failed to operate the Facility at all times under the direct supervision of a water works operator who holds a Class D or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e) and TEX. HEALTH & SAFETY CODE § 341.033(a).
19. As evidenced by Finding of Fact No. 3.r., Derdeyn/Ford failed to provide a minimum ground storage capacity of 200 gallons per connection for the 25 community connections, 35 gallons per minute per connection for the one noncommunity transient connection serving 40 noncommunity transient connections, and 50% of the maximum daily demand for the 50 seat restaurant, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(ii), (c)(1)(B)(ii), and (d)(2)(B)(ii), and TEX. HEALTH & SAFETY CODE § 341.0315(c).
20. As evidenced by Finding of Fact No. 3.s., Derdeyn/Ford 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).
21. As evidenced by Finding of Fact No. 4, Derdeyn/Ford failed to pay consolidated water quality fees, including late fees, for TCEQ Financial Administration Account Nos. 23002690 and 91580002 for Fiscal Years 2005, 2006, and 2007, in violation of TEX. WATER CODE §§ 26.0135(h) and 5.702.
22. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served Derdeyn/Ford with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.104 (c)(2).
23. As evidenced by Finding of Fact No. 8, Derdeyn/Ford failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Derdeyn/Ford and assess the penalty recommended by the Executive Director.
24. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Derdeyn/Ford for violations of the Texas Water Code and the Texas Health and Safety Code within the

Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

25. An administrative penalty in the amount of five thousand six hundred forty-seven dollars (\$5,647.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049.
26. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. Derdeyn/Ford is assessed an administrative penalty in the amount of five thousand six hundred forty-seven dollars (\$5,647.00) for violations of the Texas Water Code, the Texas Health & Safety Code, and the rules of the TCEQ. The payment of this administrative penalty and Derdeyn/Ford's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Derdeyn/Ford, Inc. dba Tejas Village; Docket No. 2007-1372-MLM-E" to:

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

2. Derdeyn/Ford shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, Derdeyn/Ford shall:
    - i. Begin maintaining a free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- ii. Begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to complaint logs and the amount of treatment chemicals used weekly and make them available at the time of Commission inspections, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - iii. Properly seal the hypochlorination solution container in a manner that will prevent the entrance of dust, insects, and contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.42, and
  - iv. Create and begin maintaining an up-to-date chemical and microbiological monitoring plan for the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.121.
- b. Within 30 days after the effective date of this Order, Derdeyn/Ford shall:
- i. Prepare and adopt a drought contingency plan for the water supply, in accordance with 30 TEX. ADMIN. CODE §§ 288.20 and 288.30;
  - ii. Employ a water works operator who holds a minimum of a Class D license, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - iii. Post in plain view a legible sign with the water supply name and emergency phone numbers, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - iv. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account Nos. 23002690 and 9158002. The payments shall be sent with the notation "RE: Derdeyn/Ford, Inc., FA Account Nos. "23002690" and "9158002" 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
- c. Within 45 days after the effective date of the Commission Order, Derdeyn/Ford shall certify compliance with Ordering Provision Nos. 2.a.i. through 2.b.iv., above, as described in Ordering Provision No. 2.h., below.

- d. Within 60 days after the effective date of the Commission Order, Derdeyn/Ford shall:
  - i. Provide accurate metering devices at each service connection, in accordance with 30 TEX. ADMIN. CODE § 290.44;
  - ii. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - iii. Properly calibrate the well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - iv. Equip the ground storage tank with a water level indicator, in accordance with 30 TEX. ADMIN. CODE § 290.43;
  - v. Provide the pressure tank with a pressure release device, in accordance with 30 TEX. ADMIN. CODE § 290.43;
  - vi. Conduct an annual inspection of the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - vii. Conduct an annual inspection of the ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46, and
  - viii. Provide a gravity hinged and weighted cover on the overflow pipe of the ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- e. Within 75 days after the effective date of this Commission Order, Derdeyn/Ford shall certify compliance with Ordering Provision Nos. 2.d.i. through viii., above, as described in Ordering Provision No. 2.h., below.
- f. Within 90 days after the effective date of this Commission Order, Derdeyn/Ford shall:
  - i. Provide two working service pumps with a total rated pumping capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
  - ii. Provide an intruder-resistant fence with lockable gates for the water storage tank and pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.43;

- iii. Provide a pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
- iv. Provide a ground storage capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- g. Within 105 days after the effective date of the Commission Order, Derdeyn/Ford shall certify compliance with Ordering Provision Nos. 2.f.i. through iv, above, as described in Ordering Provision No. 2.h., below.
- h. Derdeyn/Ford shall submit written certification, and shall include detailed supporting documentation including photographs, receipts, and/or other records necessary to demonstrate compliance with these Ordering Provisions. The certifications 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.”

Derdeyn/Ford shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Noel Luper, Water Section Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3756

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

Derdeyn/Ford, Inc. dba Tejas Village  
Docket No. 2007-1372-MLM-E  
Page 12

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF LENA ROBERTS**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Derdeyn/Ford, Inc. dba Tejas Village” (the “EDPRP”) was filed with the Office of the Chief Clerk on February 1, 2008.

The EDPRP was mailed to both the Registered Agent and the President Derdeyn/Ford at their last known addresses on February 1, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned both of the wrappers sent by certified mail as “unclaimed.” The first class mail has not been returned, indicating that Derdeyn/Ford received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

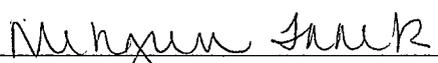
More than 20 days have elapsed since Derdeyn/Ford received notice of the EDPRP. Derdeyn/Ford failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”

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

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

Given under my hand and seal of office this 3rd day of March A.D., 2008.



  
\_\_\_\_\_  
Notary Signature