

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1037-MLM-E

**TCEQ ID: RN101651578, RN101230712, RN101245413, AND RN101654317 CASE NO.: 6067
 RESPONDENT NAME: NEW PROGRESS WATER SUPPLY CORPORATION DBA: ENCHANTED
 OAKS SUBDIVISION, SPRING VALLEY ESTATES, HIGHLAND LAKES SUBDIVISION, AND
 PONDEROSA HILLS SUBDIVISION**

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> USED OIL	<input checked="" type="checkbox"/> WATER RIGHTS
<p>SITE(S) WHERE VIOLATION(S) OCCURRED: 161 Enchanted Oaks Court, Hudson Oaks, Parker County ("Enchanted Oaks"); Farm-to-Market Road 730 between the cities of Weatherford and Azle, Parker County ("Spring Valley"); intersection of Highway 171 and Farm-to-Market Road 3450, Weatherford, Parker County ("Highland Lakes"); and intersection of Highway 171 and Highland Lake Drive, Weatherford, Parker County ("Ponderosa Hills")</p> <p>TYPE OF OPERATION: public water systems</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There is no record of additional pending enforcement actions regarding this respondent.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 21, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Water Enforcement Section, MC R-13, (210) 490-3096 TCEQ Regional Contact: Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901 Respondent: Mr. Gerald Exman, President, New Progress Water Supply Corporation, P.O. Box 191, Weatherford, Texas 76086 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input checked="" type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: May 26, 2006 through June 9, 2006</p> <p>Date of NOE Relating to this Case: December 5, 2006</p> <p>Background Facts: The EDPRP was filed on June 5, 2007. The Respondent filed an answer requesting a hearing on June 15, 2007. Settlement was achieved and a signed agreed order with initial payment was received on February 12, 2008.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PWS:</p> <p><u>At Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills</u></p> <ol style="list-style-type: none"> Failed to initiate a program of maintenance and housekeeping practices that ensures good working conditions and general appearance of the facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)]. Failed to secure sanitary easements covering that portion of the land within 150 feet of the wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. Failed to submit to the Commission's Water Utilities Section a copy of the well completion data [30 TEX. ADMIN. CODE § 290.41(c)(3)(A) and TEX. HEALTH & SAFETY CODE § 341.035(c)]. Failed to develop and maintain a chemical and microbiological monitoring plan, and failing to make those plans available for review by Agency personnel [30 TEX. ADMIN. CODE § 290.121(a) and TEX. HEALTH & SAFETY CODE § 341.035(c)]. 	<p>Total Assessed: \$20,945</p> <p>Total Deferred: \$0</p> <p>Total Paid/Due to General Revenue: \$645/\$20,300</p> <p>Respondent has paid \$645 of the administrative penalty. The remaining \$20,300 shall be payable in thirty-five monthly payments of \$580 each.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Indifference to legal duty. Specifically, failing to abide by a previous Compliance Agreement.</p>	<p>Corrective Actions Taken:</p> <p><u>At Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills</u></p> <ol style="list-style-type: none"> Secured a sanitary easement from adjacent landowners covering all property within 150 feet of each well location, and recorded the deeds at the county courthouse. Developed an up-to-date chemical and microbiological monitoring plans, and maintain a copy of the plan at each site readily available to Agency personnel. Provided a flow measuring device to measure production yields and to provide water accumulation data . Commenced conducting and recording the results of annual inspections of the GSTs. Commenced conducting and recording the results of chlorine residual tests taken at representative locations at each distribution system. Commenced conducting and recording the results of annual inspections of the pressure tanks. Posted a legible system ownership sign at each production, treatment, and storage facility, located in plain view of the public and providing the name of the water supply and an emergency telephone number where a responsible official can be contacted. <p><u>At Ponderosa Hills, Highland Lakes, and Enchanted Oaks</u></p> <ol style="list-style-type: none"> Developed and initiated a program of housekeeping and maintenance practices that ensures good working conditions and maintains the general appearance. <p><u>At Ponderosa Hills and Highland Lakes</u></p> <ol style="list-style-type: none"> Installed fencing around the well sites. Begun using water treatment chemicals that conform to the ANSI/NSF Standard 60 for direct additives. Sealed all well heads with a gasket or sealing compound. Installed a well casing that extends a minimum of 18 inches above the elevation of the finished floor. Commenced flushing all dead-end mains.

<p>5. Failed to provide a map of each distribution system to help locate valves and mains in the event of an emergency [30 TEX. ADMIN. CODE § 290.46(n) and TEX. HEALTH & SAFETY CODE § 341.035(c)].</p> <p>6. Failed to provide vent openings on the ground storage tanks (“GSTs”) with a 16-mesh or finer corrosion-resistant screening, failed to provide the GSTs with a properly designed roof access opening, failed to lock the roof hatches, and failed to provide proper overflow on the GSTs [30 TEX. ADMIN. CODE § 290.43(c)(1), (c)(2), and (c)(3)].</p> <p>7. Failed to provide a properly constructed intruder-resistant fence around the well sites [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>8. Failed to provide an operable flowmeter on the well discharge lines [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>9. Failed to ensure that all chemicals used in treatment of water supplied by the public water systems conformed to ANSI/NSF Standard 60 for direct additives or Standard 61 for indirect additives [30 TEX. ADMIN. CODE § 290.42(j)].</p> <p>10. Failed to conduct and record the results of annual inspections for the GSTs [30 TEX. ADMIN. CODE § 290.46(m)(1)].</p> <p>11. Failed to test and record, at least once every seven days, the chlorine residual from various locations within the distribution system [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)].</p> <p>12. Failed to compile a plant operations manual and to keep it up-to-date for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>13. Failed to provide a water level indicator on the GSTs [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>14. Failed to conduct and record the results of annual inspections for the pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p><u>At Enchanted Oaks, Highland Lakes and Ponderosa Hills</u></p> <p>15. Failed to ensure that the well heads were sealed with a gasket or sealing compound [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p><u>At Enchanted Oaks, Spring Valley, and Ponderosa Hills</u></p> <p>16. Failed to post a legible sign displaying the name of the water supply and an emergency telephone number where a responsible official can be contacted at each production, treatment and storage facility [30 TEX. ADMIN. CODE § 290.46(t) and TEX. HEALTH & SAFETY CODE § 341.036(a)].</p>	<p><u>At Ponderosa Hills</u></p> <p>14. Provided each water storage tank with a water level indicator.</p> <p>15. Plugged and sealed the deteriorated wells.</p> <p><u>At Highland Lakes</u></p> <p>16. Installed a concrete sealing block around each well.</p> <p><u>At Spring Valley</u></p> <p>17. Operate the chlorination facilities so as to maintain a minimum chlorine residual of at least 0.2 mg/L of free chlorine or 0.5 mg/L chloramine throughout the entire distribution system.</p> <p><u>At Enchanted Oaks and Spring Valley</u></p> <p>18. Completed service inspection certifications.</p> <p>19. Adopted an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.</p> <p>20. Submitted drought contingency plans.</p> <p><u>At Spring Valley and Highland Lakes</u></p> <p>21. Provided sampling taps on each well discharge to facilitate the collection of samples for chemical and bacteriological analysis directly from the wells.</p> <p>Technical Requirements:</p> <p><u>At Enchanted Oaks, Highland Lakes, Spring Valley, and Ponderosa Hills</u></p> <p>1. Immediately, commence conducting and recording the results of chlorine residual tests taken at representative locations at each distribution system.</p> <p>2. Within 10 days, develop and initiate a program of housekeeping and maintenance practices that ensures good working conditions and maintains the general appearance of each Facility and all equipment.</p> <p>3. Within 30 days:</p> <ul style="list-style-type: none"> a. Submit to the Commission’s Water Utilities Section a copy of the well completion data for each Facility; b. Develop and maintain up-to-date chemical and microbiological monitoring plans to be maintained at each site and readily available to Agency personnel; c. Provide an up-to-date map of each distribution system showing the location of all valves and mains;
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<p><u>At Enchanted Oaks and Spring Valley</u></p> <p>17. Failed to develop and retain a drought contingency plan for the water systems, and failed to have the plan available for review by Agency personnel [30 TEX. ADMIN. CODE § 288.20].</p> <p>18. Failed to ensure that all water storage facilities and appurtenances are in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>19. Failed to issue a customer service inspection certificate prior to providing continuous water service to new construction and on existing service [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>20. Failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>21. Failed to adopt a plumbing ordinance, regulation, or service agreement with provisions for proper enforcement [30 TEX. ADMIN. CODE § 290.46(i) and TEX. HEALTH & SAFETY CODE § 341.035(c)].</p> <p>22. Failed to submit for approval the plans prior to construction of service pumps [30 TEX. ADMIN. CODE § 290.39(j) and TEX. HEALTH & SAFETY CODE § 341.035(c)].</p> <p>23. Failed to pay Public Health Service fees, including late fees, for TCEQ Financial Administration Account Nos. 91840088 (Enchanted Oaks), and 91840089 (Spring Valley) [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].</p> <p><u>At Spring Valley and Highland Lakes</u></p> <p>24. Failed to ensure a concrete sealing block around the well casing that extends a minimum of three feet in all directions [30 TEX. ADMIN. CODE § 290.41(c)(3)(J) and TEX. HEALTH & SAFETY CODE § 341.0315(a)].</p> <p>25. Failed to maintain an operable sampling tap on the well discharge to facilitate the collections of samples for chemical and bacteriological analysis directly from the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</p> <p><u>At Highland Lakes and Ponderosa Hills</u></p> <p>26. Failed to flush all dead end mains monthly [30 TEX. ADMIN. CODE § 290.46(l)].</p>		<p>d. Begin using water treatment chemicals that conform to the ANSI/NSF Standard 60 for direct additives; and</p> <p>e. Compile a plant operation manual for each Facility. The manuals must be kept up-to-date and readily available for operators to review and reference.</p> <p>4. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 1 through 3.</p> <p>5. Within 60 days:</p> <p style="padding-left: 20px;">a. Provide a flow measuring device at each Facility to measure production yields and provide water accumulation data;</p> <p style="padding-left: 20px;">b. Install or repair the fencing around the well site; and</p> <p style="padding-left: 20px;">c. Provide each water storage tank with a water level indicator.</p> <p>6. Within 75 days, submit written certification to demonstrate compliance with Ordering Provision No. 5.</p> <p>7. Within 90 days:</p> <p style="padding-left: 20px;">a. Secure a sanitary easement from adjacent landowners covering all property within 150 feet of each well location, and record the deeds at the county courthouse; and</p> <p style="padding-left: 20px;">b. Ensure that all vent openings, roof latches, access openings, and overflows on all GSTs meet the requirements of 30 TEX. ADMIN. CODE §290.43.365.</p> <p>8. Within 105, submit written certification to demonstrate compliance with Ordering Provision No. 7.</p> <p><u>At Enchanted Oaks, Highland Lakes, and Ponderosa Hills</u></p> <p>1. Within 60 days after the effective date of this Order, New Progress WSC shall seal all well heads with a gasket or sealing compound.</p> <p>2. Within 75 days, submit written certification to demonstrate compliance with Ordering Provision No. 1.</p> <p><u>At Enchanted Oaks and Spring Valley</u></p> <p>1. Within 30 days after the effective date of this Order, New Progress WSC shall:</p> <p style="padding-left: 20px;">a. Complete service inspection certifications prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private plumbing facilities;</p> <p style="padding-left: 20px;">b. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections</p>
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<p><u>At Enchanted Oaks</u></p> <p>27. Failed to provide a minimum well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>28. Failed to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>29. Failed to provide air injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tanks [30 TEX. ADMIN. CODE § 290.43(d)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(a)].</p> <p>30. Failed to provide pressure release devices on the pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(2)].</p> <p>31. Failed to install all electrical wiring in compliance with local or national electrical codes [30 TEX. ADMIN. CODE 290.46(v)].</p> <p>32. Failed to ensure that all potable water storage facilities are covered, designed, fabricated, erected, tested and disinfected in strict accordance with AWWA standards [30 TEX. ADMIN. CODE § 290.43(c) and TEX. HEALTH & SAFETY CODE § 341.0315(a)].</p> <p><u>At Spring Valley</u></p> <p>33. Failed to maintain a free chlorine residual of at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine [30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>34. Failed to maintain the GST's roof [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p><u>At Highland Lakes</u></p> <p>35. Failed to maintain copies of well completion data such as well material setting data, geological log, sealing information, disinfection information, microbiological sampling results and a chemical analysis report of a representative sample of water from the well on file for as long as the well is in service [30 TEX. ADMIN. CODE § 290.46(n)(3)].</p> <p>36. Failed to locate the GST inlet and outlet connections so as to prevent short circuiting or stagnation of water [30 TEX. ADMIN. CODE § 290.43(c)(5)].</p>		<p>nor other unacceptable plumbing practices are permitted;</p> <p>c. Submit a drought contingency plan;</p> <p>d. Submit for approval to TCEQ plans for the construction a service pump; and</p> <p>e. Pay all outstanding fees, including any associated penalties and interest.</p> <p>2. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision No. 1.</p> <p>3. Within 60 days, ensure that all water storage facilities and appurtenances are watertight.</p> <p>4. Within 75, submit written certification to demonstrate compliance with Ordering Provision No. 3.</p> <p>5. Within 180 days, provide a minimum service pump capacity of two or more pumps with a total capacity of 2.0 gpm per connection.</p> <p>6. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision No. 5.</p> <p><u>At Enchanted Oaks</u></p> <p>1. Within 30 days:</p> <p>a. Provide air injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tanks;</p> <p>b. Provide all pressure tanks with pressure release devices; and</p> <p>c. Install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.</p> <p>2. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision 4.a.i. through 4.a.iii.</p> <p>3. Within 180 days:</p> <p>a. Ensure that all potable water storage facilities are covered, designed, fabricated, erected, tested and disinfected in strict accordance with the AWWA standards;</p> <p>b. Provide the required well capacity of 0.6 gpm per connection; and</p> <p>c. Provide the required pressure tank capacity of 20 gallons per connection.</p> <p>4. Within 195 days, submit written certification to demonstrate compliance with Ordering Provisions 4.c.i. and ii.</p>
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<p><u>At Ponderosa Hills</u></p> <p>37. Failed to ensure that the well casing extends a minimum of 18 inches above the finished floor of the pump room or natural ground surface, and a minimum of one inch above the sealing block or pump motor foundation when provided [30 TEX. ADMIN. CODE § 290.41(c)(3)(B) and (J), and TEX. HEALTH & SAFETY CODE § 341.0315(a)].</p> <p>38. Failed to plug an abandoned well or test in accordance with 16 Tex. Admin. Code § 76.1004 [30 TEX. ADMIN. CODE § 290.46(u) and TEX. HEALTH & SAFETY CODE § 341.0315(a)].</p>		<p><u>At Highland Lakes</u></p> <ol style="list-style-type: none"> 1. Within 30 days, ensure all the ground storage tank inlet and outlet connections are relocated so as to prevent short circuiting or stagnation of water. 2. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision No. 1. 3. Within 60 days, begin maintaining copies of well completion data such as well material setting data, geological logs, sealing information, disinfection information, microbiological sampling results, and a chemical analysis report of a representative sample of water from each well on file for as long as each well is in service. 4. Within 75 days, submit written certification to demonstrate compliance with Ordering Provision No. 3. <p><u>At Spring Valley and Highland Lakes</u></p> <ol style="list-style-type: none"> 1. Within 180 days, install a concrete sealing block around each well. 2. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision No. 1. <p><u>At Spring Valley</u></p> <ol style="list-style-type: none"> 1. Immediately, operate the chlorination facilities so as to maintain a minimum chlorine residual of at least 0.2 mg/L of free chlorine or 0.5 mg/L chloramine throughout the entire distribution system. 2. Within 10 days, repair the tank roof so as to prevent water from collecting and running off the side. 3. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 1 and 2. <p><u>At Ponderosa Hills</u></p> <ol style="list-style-type: none"> 1. Within 90 days, plug and seal or repair the deteriorated wells within the system. 2. Within 105 days, submit written certification to demonstrate compliance with Ordering Provision No. 1.
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

DATES	Assigned PCW	26-Jun-2006	Screening	11-Jul-2006	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	New Progress Water Supply Corporation (Enchanted Oaks Subdivision)
Reg. Ent. Ref. No.	RN101651578
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	6067	No. of Violations	1
Docket No.	2006-1037-MLM-E	Order Type	Findings
Media Program(s)	Water Rights	Enf. Coordinator	Chris Miller
Multi-Media		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 5% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

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

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	\$76
Approx. Cost of Compliance	\$1,000

*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

PAYABLE PENALTY

A1

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Water Rights

Enf. Coordinator Chris Miller

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 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	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%
Other	Environmental management systems in place for one year or more	N/A	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N/A	0%
	Participation in a voluntary pollution reduction program	N/A	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	N/A	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Respondent was issued one NOV for the same or similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 11-Jul-2006 **Docket No.** 2006-1037-MLM-E **PCW**
Respondent New Progress Water Supply Corporation (Enchanted *Camber* 2002)
Case ID No. 6067 PCW Revision May 19, 2005
Reg. Ent. Reference No. RN101651578
Media [Statute] Water Rights
Enf. Coordinator Chris Miller
Violation Number
Primary Rule Cite(s)
Secondary Rule Cite(s)
Violation Description
Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv)

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Water Rights

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	02-Jun-2006	01-Jul-2007	1.1	\$4	\$72	\$76
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: Estimated cost to develop and maintain a drought contingency plan for the water system. Date required is the date of the investigation. Final date is the estimated date of completion.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance \$1,000

TOTAL \$76



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	26-Jun-2006	Screening	11-Jul-2006	EPA Due	
	PCW	11-Jul-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	New Progress Water Supply Corporation (Enchanted Oaks Subdivision)
Reg. Ent. Ref. No.	RN101651578
Facility/Site Region	4-Dallas/Fort Worth <
Major/Minor Source	Minor Source <

CASE INFORMATION			
Enf./Case ID No.	6067	No. of Violations	27
Docket No.	2006-1037-MLM-E	Order Type	Findings <
Media Program(s)	Public Water Supply <	Enf. Coordinator	Chris Miller
Multi-Media		EC's Team	Enforcement Team 2 <
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5% Enhancement Subtotals 2, 3, & 7

Notes

Culpability 25% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<i>(mark with a small x)</i>

Notes

Economic Benefit 50% Enhancement* Subtotal 6

Total EB Amounts	\$20,110	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$25,130	

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 indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

A2

Screening Date 11-Jul-2006

Oaks:cpw

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	<i>Please Enter Yes or No</i>		
	Environmental management systems in place for one year or more	N/A	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N/A	0%
	Participation in a voluntary pollution reduction program	N/A	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	N/A	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No <

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A <

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Respondent was issued one NOV for the same or similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 11-Jul-2006

Oaks.gpw

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Center* 2002)

Case ID No: 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

	daily	<input type="text"/>
	monthly	<input type="text"/>
mark only one	quarterly	<input type="text"/>
use a small x	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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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)	\$1,500	05-Jun-2000	01-Jul-2007	7.1	\$531	n/a	\$531

Notes for DELAYED costs: Estimated cost to prepare and initiate a maintenance program. Date required is the effective date of the Compliance Agreement. Final Date is 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 TOTAL

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Cember 2002*)

Case ID No: 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary 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"/>				

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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)	\$100	05-Jun-2000	01-Jul-2007	7.1	\$35	n/a	\$35

Notes for DELAYED costs: Estimated cost to provide sanitary easement controls. Date required is the effective date of the Compliance Agreement. Final date is 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 \$35

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Cember 2002*)

Case ID No. 6067

PCW-Revision May-19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] 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
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)	\$150	05-Jun-2000	01-Jul-2007	7.1	\$53	n/a	\$53

Notes for DELAYED costs: Estimated cost to compile and submit well completion data to the Commission. Date required is the effective date of the Compliance Agreement. Final date is 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 \$150 TOTAL \$53

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Center* 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>	

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation (Enchanted Oaks Subdiv)
 Case ID No. 6067
 Reg. Ent. Reference No. RN101651578
 Media [Statute] Public Water Supply
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$100	02-Jun-2006	01-Jul-2007	1.1	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to prepare and maintain a monitoring plan.

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

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Cember* 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation
 Case ID No. 6067

(Enchanted Oaks Subdiv

Reg. Ent. Reference No. RN101651578
 Media [Statute] Public Water Supply
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$1,200	05-Jun-2000	01-Jul-2007	7.1	\$424	n/a	\$424

Notes for DELAYED costs: Estimated cost to survey, prepare and submit a distribution map. Date required is the effective date of the Compliance Agreement. Final date is 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

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s) 30 Texas Admin. Code § 290.43(c)(1), 290.43(c)(2) and 290.43(c)(3)

Secondary Rule Cite(s)

Violation Description
 Failed to provide the vent openings on the ground storage tank ("GST") with a 16-mesh or finer corrosion-resistant screening. Also, failed to provide the GST with a properly designed roof access opening, to lock the roof hatches, and to provide proper overflow on the GST.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	05-Jun-2000	01-Jul-2007	7.1	\$24	\$472	\$495
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to adequately equip the ground storage tank system. Date required is the effective date of the Compliance Agreement. Final date is 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

TOTAL

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$350	05-Jun-2000	01-Jul-2007	7.1	\$8	\$165	\$173
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to repair and modify the intruder resistant fence. Date required is the effective date of the Compliance Agreement. Final date is 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

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary 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"/>				

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv)

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$75	05-Jun-2000	01-Jul-2007	7.1	\$2	\$35	\$37
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: Estimated cost of replacing the flowmeter. Date required is the effective date of the Compliance Agreement. Final date is 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

TOTAL

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW Revision May-19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 9

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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	\$350	05-Jun-2000	01-Jul-2007	7.1	\$124	\$2,476	\$2,600
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							
Estimated cost to procure approved chemicals. Date required is the effective date of the compliance Agreement. Final date is the estimated date of compliance.							

Approx. Cost of Compliance

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW-Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 10

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

Secondary Rule Cite(s)

Violation Description Failed to conduct and record the results of annual inspections for the ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Release				
	Actual				
	Potential		X		Percent 10%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Complete failure to perform an inspection of the ground storage tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination at levels that are not protective of human health.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$100

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,228

Violation Final Penalty Total \$180

This violation Final Assessed Penalty (adjusted for limits) \$180

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation
 Case ID No. 6067

(Enchanted Oaks Subdiv)

Reg. Ent. Reference No. RN101651578
 Media [Statute] Public Water Supply
 Violation No. 10

Percent Interest 5.0
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Percent Interest		Years of Depreciation	
						Onetime Costs	EB Amount		
Delayed Costs									
Equipment				0.0	\$0	\$0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0	\$0	\$0
Engineering/construction				0.0	\$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	\$0	\$0
Personnel				0.0	\$0	\$0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	05-Jun-2000	01-Jul-2007	7.1	\$106	\$2,122	\$2,228	\$2,228	\$2,228
Supplies/equipment				0.0	\$0	\$0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0	\$0	\$0
Notes for AVOIDED costs									
Estimated cost to conduct inspections and to maintain a record of the inspection results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.									

Approx. Cost of Compliance

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Cember* 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] 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
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	\$365	05-Jun-2000	03-Jun-2007	7.0	\$128	\$2,554	\$2,682
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

Estimated cost to test and record chlorine residual results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Approx. Cost of Compliance

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation (Enchanted Oaks Subdiv)
 Case ID No. 6067
 Reg. Ent. Reference No. RN101651578
 Media [Statute] Public Water Supply
 Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$200	02-Jun-2006	01-Jul-2007	1.1	\$11	n/a	\$11

Notes for DELAYED costs: Estimated cost to compile and maintain a plant operations manual. Date required is the investigation date. Final date is the estimated date of compliance.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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 TOTAL

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Cember 2002*)

Case ID No. 6067

PCW Revision May.19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] 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
Delayed Costs							
Equipment	\$65	02-Jun-2006	01-Jul-2007	1.1	\$0	\$5	\$5
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: Estimated cost to install a water level indicator. Date required is the date of the investigation. Final date is 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

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW.Revision May.19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 14

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

Secondary Rule Cite(s)

Violation Description Failed to conduct and record the results of annual inspections for the pressure tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	x			

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification				Percent

Matrix Notes Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination at levels that are not protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,228

Violation Final Penalty Total \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	05-Jun-2000	01-Jul-2007	7.1	\$106	\$2,122	\$2,228
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: Estimated cost to conduct inspections and to maintain a record of the inspection results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.							

Approx. Cost of Compliance \$300

TOTAL \$2,228

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Comber 2002*)

Case ID No. 6067

PCW-Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Harm

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small 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"/>	

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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] 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
Delayed Costs							
Equipment	\$100	05-Jun-2000	01-Jul-2006	6.1	\$2	\$40	\$43
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 Estimated cost to seal well head. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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

TOTAL

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 16

Primary Rule Cite(s) .30 Tex. Admin. Code § 290.46(m)(4)

Secondary Rule Cite(s)

Violation Description Failed to ensure that all water storage facilities and appurtenances are in a watertight condition.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 5%
	Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failure to ensure that all water storage facilities and appurtenances are watertight can compromise the system's ability to provide an adequate supply of water.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

	daily	
	monthly	
mark only one	quarterly	
use a small x	semiannual	
	annual	
	single event	X

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$594

Violation Final Penalty Total \$90

This violation Final Assessed Penalty (adjusted for limits) \$90

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,200	05-Jun-2000	01-Jul-2007	7.1	\$28	\$566	\$594
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to ensure watertight condition of facility and equipment. Date required is the effective date of the Compliance Agreement. Final date is 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 **\$1,200**

TOTAL \$594

Screening Date 11-Jul-2006

Oaks.gpw

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Chamber 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 17

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(j)

Secondary Rule Cite(s)

Violation Description Failed to issue a customer service inspection certificate prior to providing continuous water service to new construction and on existing service.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes Failed to comply with 100% of the rule requirement.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$124

Violation Final Penalty Total \$180

This violation Final Assessed Penalty (adjusted for limits) \$180

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 17

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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)	\$350	05-Jun-2000	01-Jul-2007	7.1	\$124	n/a	\$124

Notes for DELAYED costs: Estimated cost to compile and deliver inspection certificates. Date required is the effective date of the Compliance Agreement. Final date is 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

TOTAL

Screening Date 11-Jul-2006 Oaks.gpw Docket No. 2006-1037-MLM-E PCW
 Respondent New Progress Water Supply Corporation (Enchanted Cember 2002)
 Case ID No. 6067 PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578
 Media [Statute] Public Water Supply
 Enf. Coordinator Chris Miller
 Violation Number
 Primary Rule Cite(s)
 Secondary Rule Cite(s)
 Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] 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
Delayed Costs							
Equipment	\$5,000	05-Jun-2000	01-Jul-2007	7.1	\$118	\$2,358	\$2,476
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 Estimated cost to install the required water pumps. Date Required is the effective date of the Compliance Agreement. Final date is 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

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Camber 2002*)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

	daily	<input type="text"/>
	monthly	<input type="text"/>
mark only one	quarterly	<input type="text"/>
use a small x	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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] 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
Delayed Costs							
Equipment	\$1,000	02-Jun-2006	01-Jul-2007	1.1	\$4	\$72	\$76
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: Estimated expense to increase well production capacity to 38.4 gpm. Date required is the date of the investigation. Final date is 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

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Cember 2002*)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 20

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.45(B)(1)(b)(ii)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a pressure tank capacity of 20 gallons per connection. With 64 connections, the system is required to provide 1,280 gallons of capacity but is providing only 750 gallons of pressure tank capacity.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential		X		

>> Programmatic Matrix

		Major	Moderate	Minor	Percent
Falsification					

Matrix Notes

The lack of adequate pressure tank capacity (a 42% deficiency) could result in water outages potentially allowing a significant amount of contaminants to enter the water supply which would not exceed levels that are protective of human health.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended based on the date of the investigation June 2, 2006 to the screening date July 11, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,238

Violation Final Penalty Total \$180

This violation Final Assessed Penalty (adjusted for limits) \$180

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$2,500	05-Jun-2000	01-Jul-2007	7.1	\$59	\$1,179	\$1,238
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: Estimated cost to replace pressure tank. Date required is the effective date of the Compliance Agreement. Final date is 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 **\$2,500**

TOTAL \$1,238

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Camber* 2002)

Case ID No. 6067

PCW Revision May.19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv)

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 21

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$350	02-Jun-2006	01-Jul-2007	1.1	\$1	\$25	\$26
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: Estimated cost to prepare and initiate a plumbing ordinance, regulation, or service agreement with provisions for proper enforcement. Date required is the date of the investigation. Final date is 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

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Center* 2002)

Case ID No. 6067

PCW Revision May-19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Failure to provide air injection lines with filters or other devices to prevent contaminants from entering the tank could expose water being supplied for human consumption to significant amounts of pollution which exceed levels that are protective of human health."/>					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input checked="" 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

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 22

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$250	02-Jun-2006	01-Jul-2007	1.1	\$1	\$18	\$19
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: Estimated cost to install filters in the air injection lines. Date required is the date of the investigation. Final date is the estimated date of compliance.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs					
Disposal		0.0	\$0	\$0	\$0
Personne		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

TOTAL

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 23

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(2)

Secondary Rule Cite(s)

Violation Description Failed to provide pressure release devices on the pressure tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	Failure to provide pressure release devices on the pressure tanks could expose water being supplied for human consumption to significant amounts of pollution which would exceed levels that are protective of human health.				

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$250

One single event is recommended based on the date of the investigation June 2, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 23

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$200	02-Jun-2006	01-Jul-2007	1.1	\$1	\$14	\$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 Estimated cost to install pressure relief devices on the pressure tanks. Beginning date is the date of the investigation. The end date is 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

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted Cember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary 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"/>				

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>	

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 24

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$550	05-Jun-2000	01-Jul-2007	7.1	\$13	\$259	\$272
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 Estimated cost to mount the electrical wiring in a conduit. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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

TOTAL

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Cember 2002*)

Case ID No. 6067

PCW.Revision May.19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 25

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$75	02-Jun-2006	01-Jul-2007	1.1	\$0	\$5	\$6
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: Estimated cost to prepare and submit pump construction plans. Date required is the date of the investigation. Final date is 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

TOTAL

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Cember* 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 26

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$7,500	05-Jun-2000	01-Jul-2007	7.1	\$177	\$3,537	\$3,714
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to bring facility in compliance with AWWA standards. Date required is the effective date of the Compliance Agreement. Final date is 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 **\$7,500** TOTAL **\$3,714**

Screening Date 11-Jul-2006

Oaks.gpw
Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Enchanted *Cember* 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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

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 New Progress Water Supply Corporation

(Enchanted Oaks Subdiv

Case ID No. 6067

Reg. Ent. Reference No. RN101651578

Media [Statute] Public Water Supply

Violation No. 27

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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					N/A		

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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	N/A			

Approx. Cost of Compliance TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600670459	New Progress Wsc	Classification:	Rating:
Regulated Entity:	RN101651578	ENCHANTED OAKS SUBDIVISION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1840088
	WATER LICENSING	LICENSE		1840088
Location:	161 ENCHANTED OAKS CT, HUDSON OAKS, TX, 76087			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	January 05, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 27, 2001 to June 27, 2006			

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

Name: Chris Miller Phone: 512-239-6580

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 06/29/2005 (379695)
- 2 06/19/2006 (481267)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/30/2005 (379695)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)[G]

Description: Failed to provide a pressure tank capacity of 20 gallons per connection

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to initiate a program to facilitate cleanliness and good general appearance.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failed to secure a sanitary control easement covering that portion of the land within 150 feet of the well location

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failed to submit to the Commission's Water Utilities Section a copy of well completion data.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failed to provide the ground storage tanks with roof openings designed in accordance with current AWWA standards.

Self Report? NO

Classification: Minor

Citation:

CH-A1 and A2

30 TAC Chapter 290, SubChapter D 290.46[G]
Description: Failed to install electrical wiring in securely mounted conduit in compliance with local or national electrical code
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)[G]
Description: Failed to provide map of the distribution system to help locate valves and mains in the event of an emergency.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
Description: Failed to provide ground storage tanks with proper overflows
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Failed to ensure that all water storage facilities and appurtenances are watertight.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failed to provide properly constructed intruder-resistant fence around well site.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
Description: Failed to provide an operable flow meter on the well discharge line.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(1)
Description: Failed to conduct and record the results of annual inspections for the ground storage tanks.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)
Description: Failed to conduct and record the results of annual inspections for the pressure tanks.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
Description: Failed to ensure that the ground storage tank roof latch remained locked at all times.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)
Description: Failure to properly seal hypochlorination solution container
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
Description: Failure to adopt a plumbing ordinance, regulations, or service agreement with provisions for proper enforcement.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
Description: Failure to provide a proper concrete sealing block around the well.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)
Description: Failure to maintain an operable sampling tap on the well discharge to facilitate the collection of samples for chemical and bacteriological analysis directly from the well.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)[G]
Description: Failure to compile monthly operating reports. Retain the completed reports and make it available for review by agency personnel at the time of the annual survey.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 288, SubChapter B 288.20[G]
Description: Failure to develop a drought contingency plan for the water system. Retain the completed reports and make it available for review by agency personnel at the time of the annual survey.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(k)
Description: Failure to compile a plant operations manual for the water system. Retain the completed plan and make it available for review by agency personnel at the time of the annual survey.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]

Description: Failure to develop a monitoring plan. Retain the completed plan and make it available for review by agency personnel at the time of the annual survey. Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)[G]
 Description: Failure to submit plans for construction approval for the service pump. Classification: Minor
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
 Description: Failure to provide air injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank. Classification: Minor
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
 Description: Failure to provide a water level indicator on ground storage tank. Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
 Description: Failure to provide a minimum well capacity of 0.6 gpm per connection.

F. Environmental audits.
 N/A

G. Type of environmental management systems (EMSs).
 N/A

H. Voluntary on-site compliance assessment dates.
 N/A

I. Participation in a voluntary pollution reduction program.
 N/A

J. Early compliance.
 N/A

Sites Outside of Texas
 N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	26-Jun-2006	Screening	11-Jul-2006	EPA Due	
	PCW	11-Jul-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	New Progress Water Supply Corporation (Spring Valley Estates)
Reg. Ent. Ref. No.	RN101230712
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	6067	No. of Violations	1
Docket No.	2006-1037-MLM-E	Order Type	Findings
Media Program(s)	Water Rights	Enf. Coordinator	Chris Miller
Multi-Media		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	\$500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	.5% Enhancement	Subtotal 2, 3, & 7	\$25
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Notes: Respondent was issued one NOV for the same or similar violations in the past five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: Culpability criteria was not met.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

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

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$75	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$525
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$525
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$525
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DEFERRAL	0% Reduction	Adjustment	\$0
-----------------	--------------	-------------------	-----

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

Notes: No deferral offered with a Findings Order.

PAYABLE PENALTY	\$525
------------------------	-------

B1

Screening Date 11-Jul-2006	Docket No. 2006-1037-MLM-E	PCW
Respondent New Progress Water Supply Corporation		(Spring 2002)
Case ID No. 6067		PCW Revision May 19, 2005
Reg. Ent. Reference No. RN101230712		
Media [Statute] Water Rights		
Enf. Coordinator Chris Miller		

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events (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 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	N/A	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N/A	0%
	Participation in a voluntary pollution reduction program	N/A	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	N/A	0%

Adjustment Percentage (Subtotal 2) 5%

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

<input type="text" value="No"/>	Adjustment Percentage (Subtotal 3) 0%
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>> **Compliance History Person Classification (Subtotal 7)**

<input type="text" value="N/A"/>	Adjustment Percentage (Subtotal 7) 0%
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>> **Compliance History Summary**

Compliance History Notes	Respondent was issued one NOV for the same or similar violations in the past five years.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Water Rights

Enf. Coordinator Chris Miller

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 288.20

Secondary Rule Cite(s)

Violation Description Failed to develop and retain a drought contingency plan for the water system and make it available for review by Agency personnel.

Base Penalty \$5,000

Environmental, Property and Human Health Matrix

		Harm			Percent
Release		Major	Moderate	Minor	
OR	Actual				
	Potential				

Programmatic Matrix

		Major	Moderate	Minor	Percent
	Falsification	X			

Matrix Notes Failed to comply with 100% of the rule requirement.

Adjustment -\$4,500

Base Penalty Subtotal \$500

Violation Events

Number of Violation Events 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$75

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation
 Case ID No. 6067

(Spring Valley Est)

Reg. Ent. Reference No. RN101230712
 Media [Statute] Water Rights
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	07-Jun-2006	01-Jul-2007	1.1	\$4	\$71	\$75
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: Estimated cost to develop and maintain a drought contingency plan for the water system. Date required is the date of the investigation. Final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$1,000 TOTAL \$75



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	26-Jun-2006	Screening	11-Jul-2006	EPA Due	
	PCW	11-Jul-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	New Progress Water Supply Corporation		(Spring Valley Estates)
Reg. Ent. Ref. No.	RN101230712		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	6067	No. of Violations	24
Docket No.	2006-1037-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Chris Miller
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$3,950

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5% Enhancement Subtotals 2, 3, & 7 \$198

Notes: Respondent was issued one NOV for the same or similar violations in the past five years.

Culpability Yes 25% Enhancement Subtotal 4 \$988

Notes: Respondent had a previous Compliance Agreement for the same violations.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

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

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

Economic Benefit 0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$14,035	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$16,640	

SUM OF SUBTOTALS 1-7 Final Subtotal \$5,135

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount \$5,135

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$5,135

DEFERRAL 0% Reduction Adjustment \$0

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

Notes: No deferral offered with a Findings Order.

PAYABLE PENALTY \$5,135

B2

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (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 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	N/A	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N/A	0%
	Participation in a voluntary pollution reduction program	N/A	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	N/A	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History *Person Classification* (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Respondent was issued one NOV for the same or similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failed to initiate a program of maintenance and housekeeping practices that ensures good working conditions and general appearance of the system's facilities and equipment. Specifically, the pump house was dilapidated.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Failure to initiate a program of maintenance and housekeeping could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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)	\$1,500	05-Jun-2000	01-Jul-2007	7.1	\$531	n/a	\$531

Notes for DELAYED costs: Estimated cost to prepare and initiate a maintenance program. Date required is the effective date of the Compliance Agreement. Final date is 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 \$531

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case-ID-No. 6067

PCW-Revision-May-19,-2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Harm

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$100	05-Jun-2000	01-Jul-2007	7.1	\$35	n/a	\$35

Notes for DELAYED costs: Estimated cost to provide sanitary easement controls. Date required is the effective date of the Compliance Agreement. Final date is 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 \$35

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] 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
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)	\$150	05-Jun-2000	01-Jul-2007	7.1	\$53	n/a	\$53

Notes for DELAYED costs: Estimated cost to compile and submit well completion data to the Commission. Date required is the effective date of the Compliance Agreement. Final date is 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 \$150

TOTAL \$53

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May-19-2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$100	07-Jun-2006	01-Jul-2007	1.1	\$5	n/a	\$5

Notes for DELAYED costs: Estimated cost to prepare and maintain a monitoring plan. Date required is the date of the investigation. Final date is 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 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.035(c)

Violation Description Failed to provide a map of the distribution system to help locate valves and mains in the event of an emergency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes Respondent failed to comply with 100% of the rule requirement.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$424

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] 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
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)	\$1,200	05-Jun-2000	01-Jul-2007	7.1	\$424	n/a	\$424

Notes for DELAYED costs: Estimated cost to survey, prepare and submit a distribution map. Date required is the effective date of the Compliance Agreement. Final date is 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 \$1,200

TOTAL \$424

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW-Revision May-19-2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 6

Primary Rule Cite(s) 30 Texas Admin. Code § 290.43(c)(1), 290.43(c)(2) and 290.43(c)(3)

Secondary Rule Cite(s)

Violation Description

Failed to provide the vent openings on the ground storage tank ("GST") with a 16-mesh or finer corrosion-resistant screening. Also, failed to provide the GST with a properly designed roof access opening, to lock the roof hatches, and to provide proper overflow on the GST.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

OR

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

The violation could allow a significant amount of pollutants to enter the system which would exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended based on the June 7, 2006 investigation date to the July 11, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$495

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	05-Jun-2000	01-Jul-2007	7.1	\$24	\$472	\$495
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to adequately equip the ground storage tank system. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$495

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW-Revision-May-19-2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failed to provide a properly constructed intruder-resistant fence around the well site. Specifically, the barbed wire was loose and the fence was not low graded to the surface of the ground.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Matrix Notes

Failure to properly secure the fence could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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

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 New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$350	05-Jun-2000	01-Jul-2007	7.1	\$8	\$165	\$173
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to repair and modify the intruder resistant fence. Date required is the effective date of the Compliance Agreement. Final date is 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 \$350

TOTAL \$173

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May-19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 8

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(N)

Secondary Rule Cite(s)

Violation Description Failed to provide an operable flowmeter on the well discharge line.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

OR

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Failure to have an operable flowmeter could contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$65

This violation Final Assessed Penalty (adjusted for limits) \$65

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$75	05-Jun-2000	01-Jul-2007	7.1	\$2	\$35	\$37
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: Estimated cost of replacing the flowmeter. Date required is the effective date of the Compliance Agreement. Final date is 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 \$75

TOTAL \$37

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case-ID-No. 6067

PCW-Revision May-19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small 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"/>

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 New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Notes for DELAYED costs

Avoided Costs

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

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	\$350	05-Jun-2000	01-Jul-2007	7.1	\$124	\$2,476	\$2,600
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

Estimated cost to procure approved chemicals. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Approx. Cost of Compliance \$350

TOTAL \$2,600

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW-Revision May-19-2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 10

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

Secondary Rule Cite(s)

Violation Description Failed to conduct and record the results of annual inspections for the ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Complete failure to perform an inspection of the ground storage tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination at levels that are not protective of human health.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$100

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,228

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Est)

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] 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
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)

Item	Cost	Date	Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	05-Jun-2000	01-Jul-2007	7.1	\$106	\$2,122	\$2,228
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
 Estimated cost to conduct inspections and to maintain a record of the inspection results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Approx. Cost of Compliance \$300

TOTAL \$2,228

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 11

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)(A)

Secondary Rule Cite(s)

Violation Description Failed to test and record the chlorine residual from various locations within the distribution system at least once every seven days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	x			

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						Percent
Matrix Notes	Failing to test the chlorine residual could expose water being supplied for human consumption to significant amounts of pollution which exceed levels that are protective of human health.					

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended from the investigation date June 7, 2006 to the screening date July 11, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$735

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] 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
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)

Item	Cost	Date	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	05-Jun-2000	03-Jun-2007	7.0	\$35	\$700	\$735
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 Estimated cost to test and record chlorine residual results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Approx. Cost of Compliance \$100

TOTAL \$735

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 12

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)

Secondary Rule Cite(s)

Violation Description Failed to compile a plant operations manual and to keep it up-to-date for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes Failed to comply with 100% of the rule requirement.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$200	07-Jun-2006	01-Jul-2007	1.1	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to compile and maintain a plant operations manual. Date required is the investigation date. Final date is 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 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PGW-Revision-May-19,-2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 13

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4)

Secondary Rule Cite(s)

Violation Description Failed to provide a water level indicator on the ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Failure to have a proper water level indicator on the ground storage tank can contribute to inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$65

This violation Final Assessed Penalty (adjusted for limits) \$65

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation
 Case ID No. 6067

(Spring Valley Es)

Reg. Ent. Reference No. RN101230712
 Media [Statute] 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
Delayed Costs							
Equipment	\$65	05-Jun-2000	01-Jul-2007	7.1	\$2	\$31	\$32
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: Estimated cost to install a water level indicator. Date required is the effective date of the Compliance Agreement. Final date is 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 \$65 TOTAL \$32

Screening Date 11-Jul-2006 Docket No. 2006-1037-MLM-E PCW
 Respondent New Progress Water Supply Corporation (Spring 2002)
 Case ID No. 6067 PCW-Revision-May-19,-2005

Reg. Ent. Reference No. RN101230712
 Media [Statute] Public Water Supply
 Enf. Coordinator Chris Miller
 Violation Number 14
 Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)
 Secondary Rule Cite(s)
 Violation Description Failed to conduct and record the results of annual inspections for the pressure tank.
 Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent

Matrix Notes Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination at levels that are not protective of human health.

Adjustment -\$750
 Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
single event		

Violation Base Penalty \$250

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,228
 Violation Final Penalty Total \$325
 This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Item	Cost	Start Date	End Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	05-Jun-2000	01-Jul-2007	7.1	\$106	\$2,122	\$2,228
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: Estimated cost to conduct inspections and to maintain a record of the inspection results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Approx. Cost of Compliance \$300

TOTAL \$2,228

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May-19-2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 15

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(J)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to ensure a concrete sealing block around the well casing that extends a minimum of three feet in all directions.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$990

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	05-Jun-2000	01-Jul-2007	7.1	\$47	\$943	\$990
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to compile and maintain required records. Date required is the effective date of the Compliance Agreement. Final date is 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 \$990

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 16

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)

Secondary Rule Cite(s)

Violation Description Failed to ensure that all water storage facilities and appurtenances are in a watertight condition.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failure to ensure that all water storage facilities and appurtenances are watertight can compromise the system's ability to provide an adequate supply of water.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$594

Violation Final Penalty Total \$65

This violation Final Assessed Penalty (adjusted for limits) \$65

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,200	05-Jun-2000	01-Jul-2007	7.1	\$28	\$566	\$594
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to ensure watertight condition of facility and equipment. Date required is the effective date of the Compliance Agreement. Final date is 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 \$1,200

TOTAL \$594

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW-Revision-May-19,-2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 17

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(j)

Secondary Rule Cite(s)

Violation Description Failed to issue a customer service inspection certificate prior to providing continuous water service to new construction and on existing service.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor	Percent
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes Failed to comply with 100% of the rule requirement.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$124

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es)

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] 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
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)	\$350	05-Jun-2000	01-Jul-2007	7.1	\$124	n/a	\$124

Notes for DELAYED costs: Estimated cost to compile and deliver inspection certificates. Date required is the effective date of the Compliance Agreement. Final date is 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 \$350

TOTAL \$124

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW-Revision-May-19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 18

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide two or more pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual				Percent	25%
	Potential	X				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

The lack of service pump capacity (a 100% deficiency) could result in water outages and backflow problems potentially allowing a significant amount of contaminants to enter the water supply which would exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One quarterly event is recommended based on the date of the investigation June 7, 2006 to the screening date July 11, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,476

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] 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
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Delayed Costs

Equipment	\$5,000	05-Jun-2000	01-Jul-2007	7.1	\$118	\$2,358	\$2,476
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

Estimated cost to install the required water pumps. Date required is the effective date of the Compliance Agreement. Final date is 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 \$2,476

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor	Percent
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"/>				

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] 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
Delayed Costs							
Equipment	\$65	07-Jun-2006	01-Jul-2007	1.1	\$0	\$5	\$5
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: Estimated cost to replace sample tap. Date required is the date of the investigation. Final date is 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 \$65

TOTAL \$5

Screening Date 11-Jul-2006 Docket No. 2006-1037-MLM-E PCW
 Respondent New Progress Water Supply Corporation (Spring 2002)
 Case-ID.No. 6067 PCW-Revision-May-19, 2005

Reg. Ent. Reference No. RN101230712
 Media [Statute] Public Water Supply
 Enf. Coordinator Chris Miller
 Violation Number 20

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(i)
 Secondary Rule Cite(s) Tex. Health & Safety Code § 341.035(c)

Violation Description Failed to adopt a plumbing ordinance, regulation, or service agreement with provisions for proper enforcement.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes Failed to comply with 100% of the rule requirement.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount \$26

Statutory Limit Test

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Est)

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$350	07-Jun-2006	01-Jul-2007	1.1	\$1	\$25	\$26
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: Estimated cost to prepare and initiate a plumbing ordinance, regulation, or service agreement with provisions for proper enforcement. Date required is the date of the investigation. Final date is 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 \$350

TOTAL \$26

Screening Date 11-Jul-2006	Docket No. 2006-1037-MLM-E	PCW
Respondent New Progress Water Supply Corporation		(Spring 2002)
Case ID No. 6067		PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

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

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

	daily	<input type="text"/>
	monthly	<input checked="" type="text" value="X"/>
	quarterly	<input type="text"/>
mark only one	semiannual	<input type="text"/>
use a small x	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two monthly event is recommended from the date of the investigation June 7, 2006 to the date of screening July 11, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount <input type="text" value="\$18"/>	Violation Final Penalty Total <input type="text" value="\$260"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$260"/>	

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es)

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 21

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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	\$60	05-Jun-2000	11-Jul-2006	6.1	\$18	n/a	\$18
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to conduct monitoring in accordance with Agency standards. Date required is the effective date of the Compliance Agreement. Final date is the date of screening.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$60 TOTAL \$18

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW-Revision May-19-2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 22

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

Secondary Rule Cite(s)

Violation Description Failed to maintain the ground storage tank's roof. Specifically, the tank's roof has caved in on one side allowing water to collect and run off the side.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failure to maintain the roof of the ground storage tank will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended from the date of the investigation June 7, 2006 to the date of screening July 11, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount \$131

Statutory Limit Test

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 22

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,750	07-Jun-2006	01-Jul-2007	1.1	\$6	\$124	\$131
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to repair roof. Date required is the date of the investigation. Final date is 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 \$1,750

TOTAL \$131

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW-Revision-May-19-2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 23

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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]	\$75	07-Jun-2006	10-Jul-2007	2.0	\$8	\$75	\$83
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Estimated cost to submit pump construction plans. Date required is the date of the investigation. Final date is the estimated date of compliance.							

Approx. Cost of Compliance \$75

TOTAL \$83

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Spring 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 24

Primary Rule Cite(s) Tex. Water Code § 5.702

Secondary Rule Cite(s) 30 Tex. Admin. Code § 290.51(a)(3)

Violation Description Failure to pay Public Health Service fees, including late fees, for TCEQ Financial Administration Account No. 91840089 as documented in a record review conducted on July 10, 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			Percent
Release		Major	Moderate	Minor	
OR	Actual				
	Potential				

>> Programmatic Matrix

		Major	Moderate	Minor	Percent
	Falsification				

Matrix Notes No additional administrative penalty was calculated for this violation as penalties and/or interest will be assessed on the next fee billing.

Adjustment -\$1,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$0

One single event is recommended based on the date of the investigation June 7, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Spring Valley Es

Case ID No. 6067

Reg. Ent. Reference No. RN101230712

Media [Statute] Public Water Supply

Violation No. 24

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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				N/A			

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				N/A			

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600670459	New Progress Wsc	Classification:	Rating:
Regulated Entity:	RN101230712	SPRING VALLEY ESTATES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1840089
	WATER LICENSING	LICENSE		1840089
Location:	ON FM 730 BETWEEN WEATHRFORD & AZLE			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	January 05, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 06, 2001 to July 06, 2006			

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

Name: Chris Miller Phone: 512-239-6580

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | | |
|---|------------|----------|--|
| 1 | 06/28/2005 | (379696) | |
| 2 | 06/27/2006 | (481758) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|----------|--------------------------|
| Date: | 06/24/2005 | (379696) | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m) | | |
| Description: | Failed to initiate a program to facilitate cleanliness and good general appearance | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) | | |
| Description: | Failed to secure a sanitary control easement covering that portion of the land within 150 feet of the well location | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A) | | |
| Description: | Failed to submit to the Commission's Water Utilities Section a copy of well completion data | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.43(c)(2) | | |
| Description: | Failed to provide the ground storage tanks with roof openings designed in accordance with current AWWA standards. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(j) | | |
| Description: | Failure to issue customer service inspection certificate prior to providing continuous water service to new construction and on existing service | | |
| Self Report? | NO | | Classification: Moderate |

CH-B1 and B2

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)[G]
 Description: Failed to provide map of the distribution system to help locate valves and mains in the event of an emergency.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
 Description: Failed to provide a concrete sealing block extending at least three feet in all directions
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 Description: Failed to provide properly constructed intruder-resistant fence around well site.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
 Description: Failed to provide an operable flow meter on the well discharge line
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
 Description: Failure to provide a water level indicator on the ground storage tanks
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(1)
 Description: Failed to conduct and record the results of annual inspections for the ground storage tanks
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)
 Description: Failed to conduct and record the results of annual inspections for the pressure tanks
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
 Description: Failed to ensure that the ground storage tank roof latch remained locked at all times
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
 Description: Failed to provide ground storage tanks with proper overflows
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
 Description: Failure to adopt a plumbing ordinance, regulations, or service agreement with provisions for proper enforcement.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)
 Description: Failure to maintain an operable sampling tap on the well discharge to facilitate the collection of samples for chemical and bacteriological analysis directly from the well.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)[G]
 Description: Failure to compile monthly operating reports. Retain the completed reports and make it available for review by agency personnel at the time of the annual survey.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 288, SubChapter B 288.20[G]
 Description: Failure to develop a drought contingency plan for the water system. Retain the completed reports and make it available for review by agency personnel at the time of the annual survey.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(k)
 Description: Failure to compile a plant operations manual for the water system. Retain the completed plan and make it available for review by agency personnel at the time of the annual survey.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]
 Description: Failure to develop a monitoring plan. Retain the completed plan and make it available for review by agency personnel at the time of the annual survey.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)[G]
 Description: Failure to submit construction plans for approval of the service pumps.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)

Description: Failure to provide air injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failure to properly seal hypochlorination solution container.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to maintain ground storage tank's roof.

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	26-Jun-2006	Screening	11-Jul-2006	EPA Due	
	PCW	11-Jul-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	New Progress Water Supply Corporation (Highland Lakes Subdivision)
Reg. Ent. Ref. No.	RN101245413
Facility/Site Region	4-Dallas/Fort Worth <
Major/Minor Source	Minor Source <

CASE INFORMATION			
Enf./Case ID No.	6067	No. of Violations	17
Docket No.	2006-1037-MLM-E	Order Type	Findings <
Media Program(s)	Public Water Supply <	Enf. Coordinator	Chris Miller
Multi-Media		EC's Team	Enforcement Team 2 <
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Subtotals 2, 3, & 7

Notes

Culpability Subtotal 4

Notes

Good Faith Effort to Comply Subtotal 5

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

Notes

Economic Benefit Subtotal 6

Total EB Amounts	<input type="text" value="\$9,296"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$6,805"/>	

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 Adjustment

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

Notes

PAYABLE PENALTY

C

Screening Date 11-Jul-2006 **Docket No.** 2006-1037-MLM-E **PCW**
Respondent New Progress Water Supply Corporation (Highland Lember 2002)
Case ID No. 6067 PCW Revision May 19, 2005
Reg. Ent. Reference No. RN101245413
Media [Statute] Public Water Supply
Enf. Coordinator Chris Miller

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (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 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	N/A	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N/A	0%
	Participation in a voluntary pollution reduction program	N/A	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	N/A	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History *Person Classification* (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Respondent was issued one NOV for the same or similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case-ID-No. 6067

PCW-Revision-May-19,-2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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)	\$100	05-Jun-2000	01-Jul-2007	7.1	\$35	n/a	\$35

Notes for DELAYED costs: Estimated cost to provide sanitary easement controls. Date required is the effective date of the Compliance Agreement. Final date is 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 \$35

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PGW-Revision-May-19-2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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)

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary 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"/>
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

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] 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
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)	\$100	06-Jun-2006	01-Jul-2007	1.1	\$5	n/a	\$5

Notes for DELAYED costs Estimated cost to prepare and maintain a monitoring plan. Date required is the investigation date. Final Date is 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

TOTAL

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case-ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$1,200	05-Jun-2000	01-Jul-2007	7.1	\$424	n/a	\$424

Notes for DELAYED costs: Estimated cost to survey, prepare and submit a distribution map. Date required is the effective date of the Compliance Agreement. Final date is 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 \$1,200

TOTAL \$424

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW-Revision May-19-2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	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 New Progress Water Supply Corporation (Highland Lakes Subdi
 Case ID No. 6067
 Reg. Ent. Reference No. RN101245413
 Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	05-Jun-2000	01-Jul-2007	7.1	\$24	\$472	\$495
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to adequately equip the ground storage tank system. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$1,000 TOTAL \$495

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$75	05-Jun-2000	01-Jul-2007	7.1	\$2	\$35	\$37
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 Estimated cost of replacing the flowmeter. Date required is the effective date of the Compliance Agreement. Final date is 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 \$75

TOTAL \$37

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 18

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

Secondary Rule Cite(s)

Violation Description Failed to conduct and record the results of annual inspections for the ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Complete failure to perform an inspection of the ground storage tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination at levels that are not protective of human health.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$100

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,228

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation (Highland Lakes Subdi)
 Case ID No. 6067
 Reg. Ent. Reference No. RN101245413
 Media [Statute] 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
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)							
Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	05-Jun-2000	01-Jul-2007	7.1	\$106	\$2,122	\$2,228
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							
Estimated cost to conduct inspections and to maintain a record of the inspection results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.							

Approx. Cost of Compliance

TOTAL

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW-Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 19

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)(A)

Secondary Rule Cite(s)

Violation Description Failed to test and record the chlorine residual from various locations within the distribution system at least once every seven days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failing to test the chlorine residual could expose water being supplied for human consumption to significant amounts of pollution which would exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended from the investigation date June 6, 2006 to the screening date July 11, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$735

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Violation No. 19

Percent Interest	Years of Depreciation
5.0	15

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

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	05-Jun-2000	03-Jun-2007	7.0	\$35	\$700	\$735
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

Estimated cost to test and record chlorine residual results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Approx. Cost of Compliance \$100

TOTAL \$735

Screening Date 11-Jul-2006 Docket No. 2006-1037-MLM-E PCW
 Respondent New Progress Water Supply Corporation (Highland Lember 2002)
 Case ID No. 6067 PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 10

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)

Secondary Rule Cite(s)

Violation Description Failed to compile a plant operations manual and to keep it up-to-date for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes Failed to comply with 100% of the rule requirement.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$200	06-Jun-2006	01-Jul-2007	1.1	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to compile and maintain a plant operations manual. Date required is the investigation date. Final date is 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 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 11

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4)

Secondary Rule Cite(s)

Violation Description Failed to provide a water level indicator on the ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 5%
	Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failure to have a proper water level indicator on the ground storage tank can contribute to inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$65

This violation Final Assessed Penalty (adjusted for limits) \$65

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] 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
Delayed Costs							
Equipment	\$65	05-Jun-2000	01-Jul-2007	7.1	\$2	\$31	\$32
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: Estimated cost to install a water level indicator. Date required is the effective date of the Compliance Agreement. Final date is 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 \$65

TOTAL \$32

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW-Revision May-19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 12

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

Secondary Rule Cite(s)

Violation Description Failed to conduct and record the results of annual inspections for the pressure tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination at levels that are not protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$250

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,228

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	05-Jun-2000	01-Jul-2007	7.1	\$106	\$2,122	\$2,228
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
 Estimated cost to conduct inspections and to maintain a record of the inspection results.
 Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Approx. Cost of Compliance \$300

TOTAL \$2,228

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No: 6067

PCW-Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 13

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(K)

Secondary Rule Cite(s)

Violation Description Failed to ensure that the well head was sealed with a gasket or sealing compound.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes The violation could allow a significant amount of pollutants to enter the system which would exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One quarterly event is recommended based on the date of the investigation June 6, 2006 to the date of screening July 11, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$43

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation (Highland Lakes Subd)
 Case ID No. 6067
 Reg. Ent. Reference No. RN101245413
 Media [Statute] 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
Delayed Costs							
Equipment	\$100	05-Jun-2000	01-Jul-2006	6.1	\$2	\$40	\$43
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: Estimated cost to seal well well head. Date required is the effective date of the Compliance Agreement. Final date is 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 \$43

Screening Date 11-Jul-2006 Docket No. 2006-1037-MLM-E PCW
 Respondent New Progress Water Supply Corporation (Highland Lember 2002)
 Case ID No. 6067 PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101245413
 Media [Statute] Public Water Supply
 Enf. Coordinator Chris Miller
 Violation Number 14
 Primary Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(5)
 Secondary Rule Cite(s)
 Violation Description Failed to locate the ground storage tank inlet and outlet connections so as to prevent short circuiting or stagnation of water.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failure to properly locate the storage tank connections could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$150

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation (Highland Lakes Subdi
 Case ID No. 6067
 Reg. Ent. Reference No. RN101245413
 Media [Statute] Public Water Supply
 Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	06-Jun-2006	01-Jul-2007	1.1	\$7	\$142	\$150
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to extend the sealing block. Date required is the date of the investigation. Final date is 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 \$150

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 15

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(3)

Secondary Rule Cite(s)

Violation Description Failed to maintain copies of well completion data such as well material setting data, geological log, sealing information, disinfection information, microbiological sampling results and a chemical analysis report of a representative sample of water from the well on file for as long as the well is in service.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes Failed to comply with 100% of the rule requirement.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] 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)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$550	06-Jun-2006	10-Jul-2007	1.1	\$30	n/a	\$30
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to maintain files of well completion data. Date required is the date of the investigation. Final date is 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 \$550

TOTAL \$30

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Failure to flush all dead end mains monthly could allow system exposure to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="X"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

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

Notes for DELAYED costs

Avoided Costs

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

Item	Cost	Date	Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$150	06-Jun-2006	01-Jul-2007	1.0	\$8	\$150	\$158

Notes for AVOIDED costs: Estimated cost to flush the mains monthly. Date required is the date of the investigation. Final date is the estimated date of compliance.

Approx. Cost of Compliance \$150

TOTAL \$158

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Highland Lember 2002)

Case ID No. 6067

PCW-Revision May 19, 2005

Reg. Ent. Reference No. RN101245413

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 17

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(M)

Secondary Rule Cite(s)

Violation Description Failed to maintain an operable sampling tap on the well discharge to facilitate the collections of samples for chemical and bacteriological analysis directly from the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 5%
	Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$65

This violation Final Assessed Penalty (adjusted for limits) \$65

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Highland Lakes Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101245413

Media [Statute] 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
Delayed Costs							
Equipment	\$65	05-Jun-2000	01-Jul-2007	7.1	\$2	\$31	\$32
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 Estimated cost to replace sample tap. Date required is the effective date of the Compliance Agreement. Final date is 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 \$65

TOTAL \$32

Compliance History

Customer/Respondent/Owner-Operator:	CN600670459	New Progress Wsc	Classification:	Rating:
Regulated Entity:	RN101245413	HIGHLAND LAKES	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	1840096 1840096
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Location: West on FM 3450, PARKER COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: January 08, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 07, 2001 to July 07, 2006

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

Name: Christopher Miller Phone: 512-239-6580

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 06/27/2006 (481683)
- 2 03/28/2006 (459100)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/28/2006 (459100)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failed to secure a sanitary control easement covering that portion of the land within 150 feet of the well location

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failed to submit to the Commission's Water Utilities Section a copy of well completion data

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)[G]

Description: Failed to provide map of the distribution system to help locate valves and mains in the event of an emergency

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)

Description: Failed to flush all dead end mains monthly or more often if required to maintain water quality

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(5)

CH-C

Description: Failure to locate the ground storage tank inlet and outlet connections so as to prevent short circuiting or stagnation of water
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to provide a water level indicator on the ground storage tanks
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(1)

Description: Failed to conduct and record the results of annual inspections for the ground storage tanks
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)

Description: Failed to conduct and record the results of annual inspections for the pressure tanks
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failed to test and record the chlorine residual results from various locations within the distribution system at least once every seven days
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to provide a plant operations manual.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to protect the vent opening on the ground storage tank with a 16-mesh or finer corrosion resistant screening. The existing screen on the vent opening must be replaced by 16-mesh or finer corrosion resistant screening.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)

Description: Failure to maintain records per this agency's rules and regulations, which require that the following records be retained for at least ten year; these records include copies of Monthly Operating Reports and any supporting documentation including turbidity monitoring results of the combined filter effluent.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to maintain a monitoring plan.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to maintain copies of well completion data [well material setting data, geological log, sealing information (pressure cementing and surface protection)], disinfection information, microbiological sample results and a chemical analysis report of a representative sample of water from the well.

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	26-Jun-2006	Screening	11-Jul-2006	EPA Due	
	PCW	11-Jul-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	New Progress Water Supply Corporation (Ponderosa Hills Subdivision)
Reg. Ent. Ref. No.	RN101654317
Facility/Site Region	4-Dallas/Fort Worth <
Major/Minor Source	Minor Source <

CASE INFORMATION			
Enf./Case ID No.	6067	No. of Violations	16
Docket No.	2006-1037-MLM-E	Order Type	Findings <
Media Program(s)	Public Water Supply <	Enf. Coordinator	Chris Miller
Multi-Media		EC's Team	Enforcement Team 2 <
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5% Enhancement Subtotals 2, 3, & 7

Notes

Culpability Yes <| 25% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

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

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	\$9,288	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$6,040	

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 indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

D

Screening Date 11-Jul-2006 **Docket No.** 2006-1037-MLM-E **PCW**
Respondent New Progress Water Supply Corporation (Ponderosa ember 2002)
Case ID No. 6067 PCW Revision May 19, 2005
Reg. Ent. Reference No. RN101654317
Media [Statute] Public Water Supply
Enf. Coordinator Chris Miller

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	N/A	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N/A	0%
	Participation in a voluntary pollution reduction program	N/A	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	N/A	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History *Person Classification* (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Respondent was issued one NOV for the same or similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case-ID-No. 6067

PCW Revision: May-19, 2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm		
		Major	Moderate	Minor
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation
 Case ID No. 6067

(Ponderosa Hills Subdi

Reg. Ent. Reference No. RN101654317
 Media [Statute] Public Water Supply
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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)	\$100	05-Jun-2000	01-Jul-2007	7.1	\$35	n/a	\$35

Notes for DELAYED costs: Estimated cost to provide sanitary easement controls. Date required is the effective date of the Compliance Agreement. Final date is 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 \$35

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW Revision May-19,-2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Ponderosa Hills Subdiv)

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$150	05-Jun-2000	01-Jul-2007	7.1	\$53	n/a	\$53

Notes for DELAYED costs: Estimated cost to compile and submit well completion data to the Commission. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$150

TOTAL \$53

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW-Revision May-19-2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Harm

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

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Ponderosa Hills Subdi)

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] 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
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)	\$100	02-Jun-2006	01-Jul-2007	1.1	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to prepare and maintain a monitoring plan. Date required is the date of the investigation. Final date is 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 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation
 Case ID No. 6067

(Ponderosa Hills Subdiv)

Reg. Ent. Reference No. RN101654317
 Media [Statute] Public Water Supply
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$1,200	05-Jun-2000	01-Jul-2007	7.1	\$424	n/a	\$424

Notes for DELAYED costs

Estimated cost to survey, prepare and submit a distribution map. Date required is the effective date of the Compliance Agreement. Final date is 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 **\$1,200**

TOTAL \$424

Screening Date 11-Jul-2006	Docket No. 2006-1037-MLM-E	PCW
Respondent New Progress Water Supply Corporation		(Ponderosa ember 2002)
Case ID No. 6067		PCW.Revision.May.19.,2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

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

Harm

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Ponderosa Hills Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	05-Jun-2000	01-Jul-2007	7.1	\$24	\$472	\$495
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to adequately equip the ground storage tank system. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance \$1,000

TOTAL \$495

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW.Revision.May.19.,2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Ponderosa Hills Subdiv)

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$350	05-Jun-2000	01-Jul-2007	7.1	\$8	\$165	\$173
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to repair and modify the intruder resistant fence. Date required is the effective date of the Compliance Agreement. Final date is 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 \$350

TOTAL \$173

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW Revision May-19, 2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary 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"/>				

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Ponderosa Hills Subdiv)

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$75	05-Jun-2000	01-Jul-2007	7.1	\$2	\$35	\$37
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

Estimated cost of replacing the flowmeter. Date required is the effective date of the Compliance Agreement. Final date is 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 \$75

TOTAL \$37

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 8

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.42(j)

Secondary Rule Cite(s)

Violation Description Failed to ensure that all chemicals used in treatment of water supplied by a public water system conformed to American National Standards Institute/ National Sanitation Foundation Standard 60 for direct additives or Standard 61 for indirect additives.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes The violation could allow a significant amount of pollutants to enter the system which would exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One quarterly event is recommended based on the date of the investigation June 2, 2006 to the screening date July 11, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,600

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Ponderosa Hills Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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	\$350	05-Jun-2000	01-Jul-2007	7.1	\$124	\$2,476	\$2,600
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							
Estimated cost to procure approved chemicals. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.							

Approx. Cost of Compliance \$350

TOTAL \$2,600

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 19

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

Secondary Rule Cite(s)

Violation Description Failed to conduct and record the results of annual inspections for the ground storage tanks.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

OR

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Complete failure to perform an inspection of the ground storage tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination at levels that are not protective of human health.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$100

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,228

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation (Ponderosa Hills Subdiv)
 Case ID No. 6067
 Reg. Ent. Reference No. RN101654317
 Media [Statute] 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
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)

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	05-Jun-2000	01-Jul-2007	7.1	\$106	\$2,122	\$2,228
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

Estimated cost to conduct inspections and to maintain a record of the inspection results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Approx. Cost of Compliance

TOTAL

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW.Revision.May.19, 2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 10

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)(A)

Secondary Rule Cite(s)

Violation Description Failed to test and record the chlorine residual from various locations within the distribution system at least once every seven days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes Failing to test the chlorine residual could expose water being supplied for human consumption to significant amounts of pollution which exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended from the investigation date June 2, 2006 to the screening date July 11, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$735

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Ponderosa Hills Subdiv)

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	05-Jun-2000	03-Jun-2007	7.0	\$35	\$700	\$735
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

Estimated cost to test and record chlorine residual results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Approx. Cost of Compliance

TOTAL

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Ponderosa Hills Subdiv)

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] 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
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)	\$200	02-Jun-2006	01-Jul-2007	1.1	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to compile and maintain a plant operations manual. Date required is the investigation date. Final date is 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 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW.Revision.May.19..2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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 New Progress Water Supply Corporation

(Ponderosa Hills Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$65	05-Jun-2000	01-Jul-2007	7.1	\$2	\$31	\$32
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: Estimated cost to install a water level indicator. Date required is the effective date of the compliance agreement. Final date is 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 \$65

TOTAL \$32

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW-Revision May-19,-2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 13

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

Secondary Rule Cite(s)

Violation Description Failed to conduct and record the results of annual inspections for the pressure tanks.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination at levels that are not protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$250

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,228

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Ponderosa Hills Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	05-Jun-2000	01-Jul-2007	7.1	\$106	\$2,122	\$2,228
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

Estimated cost to conduct inspections and to maintain a record of the inspection results. Date required is the effective date of the Compliance Agreement. Final date is the estimated date of compliance.

Approx. Cost of Compliance

TOTAL

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number 14

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(K)

Secondary Rule Cite(s)

Violation Description Failed to ensure that the well head was sealed with a gasket or sealing compound.

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

Matrix Notes The violation could allow a significant amount of pollutants to enter the system which would exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One quarterly event is recommended based on the date of the investigation June 2, 2006 to the date of screening July 11, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$43

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Ponderosa Hills Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] 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
Delayed Costs							
Equipment	\$100	05-Jun-2000	01-Jul-2006	6.1	\$2	\$40	\$43
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

Estimated cost to seal well head. Date required is the effective date of the Compliance Agreement. Final date is 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 \$43

Screening Date 11-Jul-2006

Docket No. 2006-1037-MLM-E

PCW

Respondent New Progress Water Supply Corporation

(Ponderosa ember 2002)

Case ID No. 6067

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101654317.

Media [Statute] Public Water Supply

Enf. Coordinator Chris Miller

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

	daily	<input type="text"/>
	monthly	<input type="text"/>
mark only one	quarterly	<input checked="" type="text" value="X"/>
use a small x	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Ponderosa Hills Subdiv)

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$150	05-Jun-2000	01-Jul-2007	7.1	\$4	\$71	\$74
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

Estimated cost to flush the mains monthly. Date required is the effective date of the Compliance Agreement. Final date is 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 \$150

TOTAL \$74

Screening Date 11-Jul-2006 Docket No. 2006-1037-MLM-E PCW
 Respondent New Progress Water Supply Corporation (Ponderosa ember 2002)
 Case ID No. 6067 PCW.Revision.May.19.,2005

Reg. Ent. Reference No. RN101654317
 Media [Statute] Public Water Supply
 Enf. Coordinator Chris Miller
 Violation Number 16
 Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(u)
 Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(a)
 Violation Description Failed to plug an abandoned well or test in accordance with 16 TAC § 76.1004.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
		X		Percent 5%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$50

One quarterly event is recommended based on the date of the investigation June 2, 2006 to the date of screening July 11, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$113

Violation Final Penalty Total \$65

This violation Final Assessed Penalty (adjusted for limits) \$65

Economic Benefit Worksheet

Respondent New Progress Water Supply Corporation

(Ponderosa Hills Subdi

Case ID No. 6067

Reg. Ent. Reference No. RN101654317

Media [Statute] Public Water Supply

Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,500	02-Jun-2006	01-Jul-2007	1.1	\$5	\$108	\$113
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to cap or test an abandoned well. Date Required is the date of the inspection.
Final date is 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 \$113

Compliance History

Customer/Respondent/Owner-Operator:	CN600670459	New Progress Wsc	Classification:	Rating:
Regulated Entity:	RN101654317	PONDEROSA HILLS SUBDIVISION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1840087
	WATER LICENSING	LICENSE		1840087
Location:	West on Highland Lake Dr. South on Hwy 171			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	January 08, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 07, 2001 to July 07, 2006			

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

Name: Christopher Miller Phone: 512-239-6580

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | | |
|---|------------|----------|--|
| 1 | 06/27/2006 | (481253) | |
| 2 | 03/28/2006 | (458964) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|--------------------------|
| Date: | 03/28/2006 | (458964) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) | | |
| Description: | Failed to secure a sanitary control easement covering that portion of the land within 150 feet of the well location | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A) | | |
| Description: | Failed to submit to the Commission's Water Utilities Section a copy of well completion data | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(n)(G) | | |
| Description: | Failed to provide map of the distribution system to help locate valves and mains in the event of an emergency | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(l) | | |
| Description: | Failed to flush all dead end mains monthly or more often if required to maintain water quality | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(G) | | |
| Description: | Failed to plug with cement an abandoned well | | |
| Self Report? | NO | | Classification: Minor |

CH-D

Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(1)
 Description: Failed to conduct and record the results of annual inspections for the ground storage tanks.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)
 Description: Failed to conduct and record the results of annual inspections for the pressure tanks
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 Description: Failed to test and record the chlorine residual results from various locations within the distribution system at least once every seven days
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 Description: Failure to provide a plant operations manual.
 Failure to provide a plant operations manual.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 Description: Failure to maintain a monitoring plan.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
 Description: Failure to maintain records per this agency's rules and regulations, which require that the following records be retained for at least ten year; these records include copies of Monthly Operating Reports and any supporting documentation including turbidity monitoring results of the combined filter effluent.

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 §
AGAINST NEW PROGRESS §
WATER SUPPLY CORPORATION §
DBA: ENCHANTED OAKS §
SUBDIVISION (RN101651578), §
SPRING VALLEY ESTATES §
(RN101230712), HIGHLAND LAKES §
SUBDIVISION (RN101245413), AND §
PONDEROSA HILLS SUBDIVISION §
(RN101654317) §

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1037-MLM -E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding New Progress Water Supply Corporation dba: Enchanted Oaks Subdivision, Spring Valley Estates, Highland Lakes Subdivision, and Ponderosa Hills Subdivision ("New Progress WSC") under the authority of TEX. WATER CODE chs. 5, 7 and 11 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and New Progress WSC presented this agreement to the Commission.

New Progress WSC understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, New Progress WSC agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon New Progress WSC.

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

FINDINGS OF FACT

1. New Progress WSC owns and operates public water supply systems in: Enchanted Oaks subdivision, located at 161 Enchanted Oaks Court, Hudson Oaks, Parker County, Texas (“Enchanted Oaks”); Spring Valley Estates, located on Farm-to-Market Road 730 between the cities of Weatherford and Azle, Parker County, Texas (“Spring Valley”); Highland Lakes Subdivision, located at the intersection of Highway 171 and Farm-to-Market Road 3450, Weatherford, Parker County, Texas (“Highland Lakes”); and Ponderosa Hills Subdivision, located at the intersection of Highway 171 and Highland Lake Drive, Weatherford, Parker County, Texas (“Ponderosa Hills”) (collectively the “Systems”).
2. Enchanted Oaks has 64 service connections and serves at least 25 people per day for at least 60 days per year. Spring Valley has 32 service connections and serves at least 25 people per day for at least 60 days per year. Highland Lakes has 27 service connections and serves at least 25 people per day for at least 60 days per year. Ponderosa Hills has 56 service connections and serves at least 25 people per day for at least 60 days per year. The Systems provide water for human consumption. As such, the Systems are public water supply systems as defined in 30 Tex. Admin. Code § 290.38(10) and (47).
3. During inspections conducted on May 5, 2005, at Enchanted Oaks and Spring Valley, and February 16, 2006, at Highland Lakes and Ponderosa Hills, TCEQ Dallas-Fort Worth Regional Office investigators documented that New Progress WSC:
 - a. At Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills:
 - i. failed to initiate a program of maintenance and housekeeping practices that ensures good working conditions and general appearance of the facilities and equipment;
 - ii. failed to secure sanitary easements covering that portion of the land within 150 feet of the wells;
 - iii. failed to submit to the Commission’s Water Utilities Section a copy of the well completion data;
 - iv. failed to develop and maintain a chemical and microbiological monitoring plan, and failed to make those plans available for review by Agency personnel;
 - v. failed to provide a map of each distribution system to help locate valves and mains in the event of an emergency;

- vi. failed to provide vent openings on the ground storage tanks (“GSTs”) with a 16-mesh or finer corrosion-resistant screening, failed to provide the GSTs with a properly designed roof access opening, failed to lock the roof hatches, and failed to provide proper overflow on the GSTs;
 - vii. failed to provide a properly constructed intruder-resistant fence around the well sites. Additionally, at Spring Valley the barbed-wire was loose and the fence was not low-graded to the surface or the ground;
 - viii. failed to provide an operable flowmeter on the well discharge lines;
 - ix. failed to ensure that all chemicals used in treatment of water supplied by the public water systems conformed to American National Standards Institute/National Sanitation Foundation (“ANSI/NSF”) Standard 60 for direct additives or Standard 61 for indirect additives;
 - x. failed to conduct and record the results of annual inspections for the GSTs;
 - xi. failed to test and record, at least once every seven days, the chlorine residual from various locations within the distribution system;
 - xii. failed to compile a plant operations manual and to keep it up-to-date for operator review and reference;
 - xiii. failed to provide a water level indicator on the GSTs; and
 - xiv. failed to conduct and record the results of annual inspections for the pressure tanks.
- b. At Enchanted Oaks, Highland Lakes and Ponderosa Hills, failed to ensure that the well heads were sealed with a gasket or sealing compound.
- c. At Enchanted Oaks, Spring Valley, and Ponderosa Hills, failed to post a legible sign displaying the name of the water supply and an emergency telephone number where a responsible official can be contacted at each production, treatment and storage facility.
- d. At Enchanted Oaks and Spring Valley:
- i. failed to develop and retain a drought contingency plan for the water systems, and failed to have the plan available for review by Agency personnel;

- ii. failed to ensure that all water storage facilities and appurtenances are in a watertight condition;
 - iii. failed to issue a customer service inspection certificate prior to providing continuous water service to new construction and on existing service;
 - iv. failed to provide two or more pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane;
 - v. failed to adopt a plumbing ordinance, regulation, or service agreement with provisions for proper enforcement;
 - vi. failed to submit for approval the plans prior to construction of service pumps; and
 - vii. failed to pay Public Health Service fees, including late fees, for TCEQ Financial Administration Account Nos. 91840088 (Enchanted Oaks), and 91840089 (Spring Valley).
- e. At Spring Valley and Highland Lakes:
- i. failed to ensure a concrete sealing block around the well casing that extends a minimum of three feet in all directions; and
 - ii. failed to maintain an operable sampling tap on the well discharge to facilitate the collections of samples for chemical and bacteriological analysis directly from the well.
- f. At Highland Lakes and Ponderosa Hills, failed to flush all dead end mains monthly.
- g. At Enchanted Oaks:
- i. failed to provide a minimum well capacity of 0.6 gpm per connection;
 - ii. failed to provide a pressure tank capacity of 20 gallons per connection;
 - iii. failed to provide air injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tanks;
 - iv. failed to provide pressure release devices on the pressure tank;

- v. failed to install all electrical wiring in compliance with local or national electrical codes;
 - vi. failed to ensure that all potable water storage facilities are covered, designed, fabricated, erected, tested and disinfected in strict accordance with American Water Works Association ("AWWA") standards.
- h. At Spring Valley:
- i. failed to maintain a free chlorine residual of at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine; and
 - ii. failed to maintain the GST's roof. Specifically, the tank's roof has caved in on one side allowing water to collect and run off the side.
- i. At Highland Lakes:
- i. failed to maintain copies of well completion data such as well material setting data, geological log, sealing information, disinfection information, microbiological sampling results and a chemical analysis report of a representative sample of water from the well on file for as long as the well is in service, and
 - ii. failed to locate the GST inlet and outlet connections so as to prevent short circuiting or stagnation of water.
- j. At Ponderosa Hills:
- i. failed to ensure that the well casing extends a minimum of 18 inches above the finished floor of the pump room or natural ground surface, and a minimum of one inch above the sealing block or pump motor foundation when provided; and
 - ii. failed to plug an abandoned well or test in accordance with 16 TEX. ADMIN. CODE § 76.1004
4. New Progress WSC received notice of the violations at Enchanted Oaks on or about June 26, 2006. New Progress WSC received notice of the violations at Spring Valley, Highland Lakes, and Ponderosa Hills on or about July 1, 2006.

5. The Executive Director recognizes that, in response to this enforcement action, New Progress WSC has implemented the following corrective measures (at each of the Systems unless otherwise noted):
 - a. Developed and initiated a program of housekeeping and maintenance practices that ensures good working conditions and maintains the general appearance at Ponderosa Hills, Highland Lakes, and Enchanted Oaks;
 - b. Secured a sanitary easement from adjacent landowners covering all property within 150 feet of each well location, and recorded the deeds at the county courthouse;
 - c. Developed an up-to-date chemical and microbiological monitoring plans as required by 30 TEX. ADMIN CODE § 290.121, and maintain a copy of the plan at each site readily available to Agency personnel;
 - d. Installed fencing around the well sites at Ponderosa Hills and Highland Lakes;
 - e. Provided a flow measuring device to measure production yields and provide water accumulation data;
 - f. Begun using water treatment chemicals that conform to the ANSI/NSF Standard 60 for direct additives at Ponderosa Hills and Highland Lakes;
 - g. Commenced conducting and recording the results of annual inspections of the GSTs;
 - h. Commenced conducting and recording the results of chlorine residual tests taken at representative locations at each distribution system;
 - i. Provided each water storage tank at Ponderosa Hills with a water level indicator;
 - j. Commenced conducting and recording the results of annual inspections of the pressure tanks;
 - k. Sealed all well heads at Ponderosa Hills and Highland Lakes with a gasket or sealing compound;
 - l. Posted a legible system ownership sign at each production, treatment, and storage facility, located in plain view of the public and providing the name of the water supply and an emergency telephone number where a responsible official can be contacted;

- m. Installed a concrete sealing block around each well at Highland Lakes;
- n. Operate the chlorination facilities so as to maintain a minimum chlorine residual of at least 0.2 mg/L of free chlorine or 0.5 mg/L chloramine throughout the entire distribution system at Spring Valley;
- o. Installed a well casing that extends a minimum of 18 inches above the elevation of the finished floor at Highland Lakes and Ponderosa Hills;
- p. Plugged and sealed the deteriorated wells at Ponderosa Hills;
- q. Completed service inspection certifications at Enchanted Oaks and Spring Valley, as required by 30 TEX. ADMIN. CODE § 290.46;
- r. Adopted an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted at Enchanted Oaks and Spring Valley, as required by 30 TEX. ADMIN. CODE § 290.46;
- s. Submitted for Enchanted Oaks and Spring Valley drought contingency plans meeting the requirements of 30 Tex. Admin. Code § 288.20;
- t. Commenced flushing all dead-end mains at Highland Lakes and Ponderosa Hills, as required by 30 TEX. ADMIN. CODE § 290.46; and
- u. Provided sampling taps on each well discharge to facilitate the collection of samples for chemical and bacteriological analysis directly from the wells at Spring Valley and Highland Lakes, as required by 30 TEX. ADMIN. CODE § 290.41.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, New Progress WSC is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7 and 11, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3.a.i, New Progress WSC failed to initiate a program of maintenance and housekeeping practices that ensures good working conditions and general appearance of the facilities and equipment, at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.46(m).

3. As evidenced by Findings of Fact No. 3.a.ii., New Progress WSC failed to secure sanitary easements covering that portion of the land within 150 feet of the wells at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. As evidenced by Findings of Fact No. 3.a.iii., New Progress WSC failed to submit to the Commission's Water Utilities Section a copy of the well completion data at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) and TEX. HEALTH & SAFETY CODE § 341.035(c).
5. As evidenced by Findings of Fact No. 3.a.iv., New Progress WSC failed to develop and maintain a chemical and microbiological monitoring plan, and failing to make those plans available for review by Agency personnel at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and TEX. HEALTH & SAFETY CODE § 341.035(c).
6. As evidenced by Findings of Fact No. 3.a.v., New Progress WSC failed to provide a map of each distribution system to help locate valves and mains in the event of an emergency at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.46(n) and TEX. HEALTH & SAFETY CODE § 341.035(c).
7. As evidenced by Findings of Fact No. 3.a.vi., New Progress WSC failed to provide vent openings on the ground storage tanks ("GSTs") with a 16-mesh or finer corrosion-resistant screening, failed to provide the GSTs with a properly designed roof access opening, failed to lock the roof hatches, and failed to provide proper overflow on the GSTs at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1), (c)(2), and (c)(3).
8. As evidenced by Findings of Fact No. 3.a.vii., New Progress WSC failed to provide a properly constructed intruder-resistant fence around the well sites at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O).
9. As evidenced by Findings of Fact No. 3.a.viii., New Progress WSC failed to provide an operable flowmeter on the well discharge lines at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).

10. As evidenced by Findings of Fact No. 3.a.ix., New Progress WSC failed to ensure that all chemicals used in treatment of water supplied by the public water systems conformed to ANSI/NSF Standard 60 for direct additives or Standard 61 for indirect additives at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.42(j).
11. As evidenced by Findings of Fact No. 3.a.x., New Progress WSC failed to conduct and record the results of annual inspections for the GSTs at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1).
12. As evidenced by Findings of Fact No. 3.a.xi., New Progress WSC failed to test and record, at least once every seven days, the chlorine residual from various locations within the distribution system at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(A).
13. As evidenced by Findings of Fact No. 3.a.xii., New Progress WSC failed to compile a plant operations manual and to keep it up-to-date for operator review and reference at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
14. As evidenced by Findings of Fact No. 3.a.xiii., New Progress WSC failed to provide a water level indicator on the GSTs at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).
15. As evidenced by Findings of Fact No. 3.a.xiv., New Progress WSC failed to conduct and record the results of annual inspections for the pressure tanks at Enchanted Oaks, Spring Valley, Highland Lakes, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).
16. As evidenced by Findings of Fact No. 3.b., New Progress WSC failed to ensure that the well heads were sealed with a gasket or sealing compound at Enchanted Oaks, Highland Lakes and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
17. As evidenced by Findings of Fact No. 3.c., New Progress WSC failed to post a legible sign displaying the name of the water supply and an emergency telephone number where a responsible official can be contacted at each production, treatment and storage facility at Enchanted Oaks, Spring Valley, and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.46(t) and TEX. HEALTH & SAFETY CODE § 341.036(a).

18. As evidenced by Findings of Fact No. 3.d.i., New Progress WSC failed to develop and retain a drought contingency plan for the water systems, and failed to have the plan available for review by Agency personnel at Enchanted Oaks and Spring Valley, in violation of 30 TEX. ADMIN. CODE § 288.20.
19. As evidenced by Findings of Fact No. 3.d.ii., New Progress WSC failed to ensure that all water storage facilities and appurtenances are in a watertight condition at Enchanted Oaks and Spring Valley, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
20. As evidenced by Findings of Fact No. 3.d.iii., New Progress WSC failed to issue a customer service inspection certificate prior to providing continuous water service to new construction and on existing service at Enchanted Oaks and Spring Valley, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
21. As evidenced by Findings of Fact No. 3.d.iv., New Progress WSC failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane at Enchanted Oaks and Spring Valley, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
22. As evidenced by Findings of Fact No. 3.d.v., New Progress WSC failed to adopt a plumbing ordinance, regulation, or service agreement with provisions for proper enforcement at Enchanted Oaks and Spring Valley, in violation of 30 TEX. ADMIN. CODE § 290.46(i) and TEX. HEALTH & SAFETY CODE § 341.035(c).
23. As evidenced by Findings of Fact No. 3.d.vi., New Progress WSC failed to submit for approval the plans prior to construction of service pumps at Enchanted Oaks and Spring Valley, in violation of 30 TEX. ADMIN. CODE § 290.39(j) and TEX. HEALTH & SAFETY CODE § 341.035(c).
24. As evidenced by Findings of Fact No. 3.d.vii., New Progress WSC failed to pay Public Health Service fees, including late fees, for TCEQ Financial Administration Account Nos. 91840088 (Enchanted Oaks), and 91840089 (Spring Valley), in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702.
25. As evidenced by Findings of Fact No. 3.e.i, New Progress WSC failed to ensure a concrete sealing block around the well casing that extends a minimum of three feet in all directions at Spring Valley and Highland Lakes, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J) and TEX. HEALTH & SAFETY CODE § 341.0315(a).

26. As evidenced by Findings of Fact No. 3.e.ii, New Progress WSC failed to maintain an operable sampling tap on the well discharge to facilitate the collections of samples for chemical and bacteriological analysis directly from the well at Spring Valley and Highland Lakes, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M).
27. As evidenced by Findings of Fact No. 3.f., New Progress WSC failed to flush all dead end mains monthly at Highland Lakes and Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.46(l).
28. As evidenced by Findings of Fact No. 3.g.i., New Progress WSC failed to provide a minimum well capacity of 0.6 gpm per connection at Enchanted Oaks, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
29. As evidenced by Findings of Fact No. 3.g.ii., New Progress WSC failed to provide a pressure tank capacity of 20 gallons per connection at Enchanted Oaks, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
30. As evidenced by Findings of Fact No. 3.g.iii., New Progress WSC failed to provide air injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tanks at Enchanted Oaks, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(a).
31. As evidenced by Findings of Fact No. 3.g.iv., New Progress WSC failed to provide pressure release devices on the pressure tank at Enchanted Oaks, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2).
32. As evidenced by Findings of Fact No. 3.g.v., New Progress WSC failed to install all electrical wiring in compliance with local or national electrical codes at Enchanted Oaks, in violation of 30 TEX. ADMIN. CODE 290.46(v).
33. As evidenced by Findings of Fact No. 3.g.vi., New Progress WSC failed to ensure that all potable water storage facilities are covered, designed, fabricated, erected, tested and disinfected in strict accordance with AWWA standards at Enchanted Oaks, in violation of 30 TEX. ADMIN. CODE § 290.43(c) and TEX. HEALTH & SAFETY CODE § 341.0315(a).
34. As evidenced by Findings of Fact No. 3.h.i., New Progress WSC failed to maintain a free chlorine residual of at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine at Spring Valley, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.033(d).

35. As evidenced by Findings of Fact No. 3.h.ii., New Progress WSC failed to maintain the GST's roof at Spring Valley, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
36. As evidenced by Findings of Fact No. 3.i.i., New Progress WSC failed to maintain copies of well completion data such as well material setting data, geological log, sealing information, disinfection information, microbiological sampling results and a chemical analysis report of a representative sample of water from the well on file for as long as the well is in service at Highland Lakes, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3).
37. As evidenced by Findings of Fact No. 3.i.ii., New Progress WSC failed to locate the GST inlet and outlet connections so as to prevent short circuiting or stagnation of water at Highland Lakes, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(5).
38. As evidenced by Findings of Fact No. 3.j.i., New Progress WSC failed to ensure that the well casing extends a minimum of 18 inches above the finished floor of the pump room or natural ground surface, and a minimum of one inch above the sealing block or pump motor foundation when provided at Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B) and (J), and TEX. HEALTH & SAFETY CODE § 341.0315(a).
39. As evidenced by Findings of Fact No. 3.j.ii., New Progress WSC failed to plug an abandoned well or test in accordance with 16 TEX. ADMIN. CODE § 76.1004 at Ponderosa Hills, in violation of 30 TEX. ADMIN. CODE § 290.46(u) and TEX. HEALTH & SAFETY CODE § 341.0315(a).
40. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against New Progress WSC for violations of the Texas Water Code and the Texas Health & 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.
41. An administrative penalty in the amount of twenty thousand nine hundred forty-five dollars (\$20,945.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. New Progress WSC has paid six hundred forty-five dollars (\$645.00) of the administrative penalty. The remaining twenty thousand three hundred dollars (\$20,300.00) shall be payable in thirty-five (35) monthly payments of five hundred eighty dollars (\$580.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If New Progress WSC fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become

immediately due and payable without demand or notice. The failure of New Progress WSC to meet the payment schedule of this Agreed Order constitutes the failure by New Progress WSC to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. It is, therefore, ordered by the TCEQ that New Progress WSC pay an administrative penalty as set forth in Conclusion of Law No. 41, above. The payment of this administrative penalty and New Progress WSC's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: New Progress Water Supply Corporation dba: Enchanted Oaks Subdivision, Spring Valley Estates, Highland Lakes Subdivision, and Ponderosa Hills Subdivision; Docket No. 2006-1037-MLM-E" to:

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

2. New Progress WSC shall undertake the following technical requirements at Enchanted Oaks, Highland Lakes, Spring Valley, and Ponderosa Hills:
 - a. Immediately upon the effective date of this Order, New Progress WSC shall commence conducting and recording the results of chlorine residual tests taken at representative locations at each distribution system as required by 30 TEX. ADMIN. CODE § 290.46;
 - b. Within 10 days after the effective date of this Order, New Progress WSC shall develop and initiate a program of housekeeping and maintenance practices that ensures good working conditions and maintains the general appearance of each Facility and all equipment as required by 30 TEX. ADMIN. CODE § 290.46;

- c. Within 30 days after the effective date of this Order, New Progress WSC shall:
 - i. Submit to the Commission's Water Utilities Section a copy of the well completion data for each Facility, as required by 30 TEX. ADMIN. CODE § 290.41;
 - ii. Develop and maintain up-to-date chemical and microbiological monitoring plans as required by 30 TEX. ADMIN CODE § 290.121, to be maintained at each site and readily available to Agency personnel;
 - iii. Provide an up-to-date map of each distribution system showing the location of all valves and mains, as required by 30 TEX. ADMIN. CODE §290.46;
 - iv. Begin using water treatment chemicals that conform to the ANSI/NSF Standard 60 for direct additives, as required by 30 TEX. ADMIN. CODE § 290.42; and
 - v. Compile a plant operation manual for each Facility, as required by 30 TEX. ADMIN. CODE § 290.42. The manuals must be kept up-to-date and readily available for operators to review and reference.
- d. Within 45 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 2.a. through 2.c.v;
- e. Within 60 days after the effective date of this Order, New Progress WSC shall:
 - i. Provide a flow measuring device at each Facility to measure production yields and provide water accumulation data, as required by 30 TEX. ADMIN. CODE § 290.41; and
 - ii. Provide each water storage tank with a water level indicator compliant with 30 TEX. ADMIN. CODE § 290.43.
- f. Within 75 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision No. 2.e.i. and ii.

- g. Within 90 days after the effective date of this Order, New Progress WSC shall:
 - i. Secure a sanitary easement from adjacent landowners covering all property within 150 feet of each well location, and record the deeds at the county courthouse, as required by 30 TEX. ADMIN. CODE § 290.41; and
 - ii. Ensure that all vent openings, roof latches, access openings, and overflows on all GSTs meet the requirements of 30 TEX. ADMIN. CODE §290.43.
 - h. Within 105 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provisions 2.g.i. and ii.
 - i. Within 180 days after the effective date of this Order, New Progress WSC shall install or repair the fencing around the well site, as required by 30 TEX. ADMIN. CODE § 290.41.
 - j. Within 190 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 2.i.
3. New Progress WSC shall undertake the following technical requirements at Enchanted Oaks, Highland Lakes, and Ponderosa Hills:
- a. Within 60 days after the effective date of this Order, New Progress WSC shall seal all well heads with a gasket or sealing compound in compliance with 30 TEX. ADMIN. CODE § 290.41; and
 - b. Within 75 days after the effective date of this, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 3.a.
4. New Progress WSC shall undertake the following technical requirements at Enchanted Oaks and Spring Valley:
- a. Within 30 days after the effective date of this Order, New Progress WSC shall:
 - i. Complete service inspection certifications prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or

addition to the private plumbing facilities, as required by 30 TEX. ADMIN. CODE § 290.46;

- ii. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted, as required by 30 TEX. ADMIN. CODE § 290.46;
- iii. Submit a drought contingency plan meeting the requirements of 30 TEX. ADMIN. CODE § 288.20 (relating to Drought Contingency Plans) to:

Resource Protection Team
Water Supply Division, MC160
Texas Commission On Environmental Quality
Post Office Box 13087
Austin, Texas 78711-3087

- iv. Submit for approval to TCEQ plans for the construction a service pump, as required by 30 TEX. ADMIN. CODE § 290.39;
- v. Pay all outstanding fees, including any associated penalties and interest, with the notation "New Progress Water Supply Corporation dba Enchanted Oaks and Spring Valley Estates Subdivisions, TCEQ Financial Administration Account Nos. 91840088 and 90340026" 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

- b. Within 45 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 4.a.i. through 4.a.v.
- c. Within 60 days after the effective date of this Order, New Progress WSC shall ensure that all water storage facilities and appurtenances are watertight, as required by 30 TEX. ADMIN. CODE § 290.46;

- d. Within 75 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 4.c.;
 - e. Within 180 days after the effective date of this Order, New Progress WSC shall provide a minimum service pump capacity of two or more pumps with a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - f. Within 195 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 4.e.
5. New Progress WSC shall undertake the following technical requirements at Enchanted Oaks:
- a. Within 30 days after the effective date of this Order, New Progress WSC shall:
 - i. Provide air injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tanks, as required by 30 TEX. ADMIN. CODE § 290.43;
 - ii. Provide all pressure tanks with pressure release devices, as required by 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code, as required by 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 5.a.i. through 5.a.iii.
 - c. Within 180 days after the effective date of this Order, New Progress WSC shall:
 - i. Ensure that all potable water storage facilities are covered, designed, fabricated, erected, tested and disinfected in strict accordance with the AWWA standards, as required by 30 TEX. ADMIN. CODE § 290.43;
 - ii. Provide the required well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and

- iii. Provide the required pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - d. Within 195 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provisions 5.c.i. through 5.c. iii.
6. New Progress WSC shall undertake the following technical requirements at Highland Lakes:
- a. Within 30 days after the effective date of this Order, New Progress WSC shall ensure all the ground storage tank inlet and outlet connections are relocated so as to prevent short circuiting or stagnation of water, as required by 30 TEX. ADMIN. CODE § 290.43; and
 - b. Within 45 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 6.a.
 - c. Within 60 days after the effective date of this Order, New Progress WSC shall begin maintaining copies of well completion data such as well material setting data, geological logs, sealing information, disinfection information, microbiological sampling results, and a chemical analysis report of a representative sample of water from each well on file for as long as each well is in service, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - d. Within 75 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 6.c.
7. New Progress WSC shall undertake the following technical requirements at Spring Valley and Highland Lakes:
- a. Within 180 days after the effective date of this Order, New Progress WSC shall install a concrete sealing block around each well, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - b. Within 195 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 7.a.

8. New Progress WSC shall undertake the following technical requirements at Spring Valley:
 - a. Immediately upon the effective date of this Order, New Progress WSC shall operate the chlorination facilities so as to maintain a minimum chlorine residual of at least 0.2 mg/L of free chlorine or 0.5 mg/L chloramine throughout the entire distribution system, as required by 30 TEX. ADMIN. CODE § 290.110;
 - b. Within 10 days after the effective date of this Order, New Progress WSC shall repair the tank roof so as to prevent water from collecting and running off the side, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - c. Within 45 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provisions 8.a. and b.

9. New Progress WSC shall undertake the following technical requirements at Ponderosa Hills:
 - a. Within 90 days after the effective date of this Order, New Progress WSC shall plug and seal or repair the deteriorated wells within the system, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - b. Within 105 days after the effective date of this Order, New Progress WSC shall submit written certification as described in paragraph 10, below, to demonstrate compliance with Ordering Provision 9.a.

10. New Progress WSC shall certify compliance with each Ordering Provision, as applicable, in the following manner:

New Progress WSC shall submit written certification as described below, and shall include detailed supporting documentation including photographs, receipts, and/or other records necessary to demonstrate compliance with these Ordering Provisions. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification and supporting documents shall be submitted to:

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

with a copy to:

Sid Slocum, Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive, Fort Worth, Texas 76118-6951

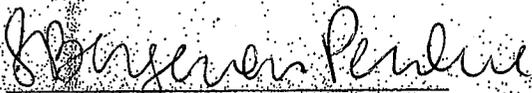
11. The provisions of this Agreed Order shall apply to and be binding upon New Progress WSC. New Progress WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Systems referenced in this Agreed Order.
12. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by New Progress WSC shall be made in writing to the Executive Director. Extensions are not effective until New Progress WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
13. 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 New Progress WSC if the Executive Director determines that New Progress WSC has not complied with one or more of the terms or conditions in this Agreed Order.
14. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
15. This Agreed Order, issued by the Commission, shall not be admissible against New Progress WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

16. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
17. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to New Progress WSC, or three days after the date on which the Commission mails notice of the Order to New Progress WSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



6/23/2008

For the Executive Director

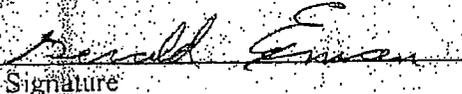
Date

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

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

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

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution



Signature

06-19-08

Date

Gerald Exman

Name (Printed or typed)

President

Title

New Progress Water Supply Corporation