

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2008-0125-MLM-E **TCEQ ID:** RN101438778 **CASE NO.:** 35027
RESPONDENT NAME: Dirgin Water Supply Corporation

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 checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> WATER RIGHTS
<p>SITE WHERE VIOLATION(S) OCCURRED: Dirgin WSC, located south of State Highway 43 on the west side of Farm-to-Market Road 2658, Rusk County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 17, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Loyd Adams, President, Dirgin Water Supply Corporation, P.O. Box 644, Tatum, Texas 75691 Ms. Sally Valcourt, Secretary/Treasurer/Water Operator, Dirgin Water Supply Corporation, P.O. Box 644, Tatum, Texas 75691 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 1, 2005, July 30, 2008, and January 2, 2008</p> <p>Date of NOV/NOE Relating to this Case: June 2, 2006, October 31, 2007, and July 31, 2008</p> <p>Background Facts: These were record reviews.</p> <p>WATER</p> <p>1) Failure to collect and submit routine monthly bacteriological samples and failure to notify the public of the noncompliance [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>2) Failure to provide a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards that is readily accessible outside the chlorination room [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].</p> <p>3) Failure to provide the water system with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service and for flushing the system when required [30 TEX. ADMIN. CODE § 290.44(d)(5)].</p> <p>4) Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>5) Failure to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation</p>	<p>Total Assessed: \$27,557</p> <p>Total Deferred: \$23,957 <input type="checkbox"/> Expedited Settlement <input checked="" type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$100 (remaining \$3,500 due in 35 monthly payments of \$100 each)</p> <p>The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On December 17, 2007, provided a certified operator for the water system;</p> <p>b. On May 15, 2008, completed and began maintaining properly completed monthly water works operation reports and maintenance records;</p> <p>c. On May 15, 2008, began monitoring the disinfectant residual at representative locations within the distribution system at least once every seven days;</p> <p>d. On May 15, 2008, began maintaining a residual disinfectant concentration of at least 0.2 mg/L of free chlorine throughout the distribution system;</p> <p>e. On May 15, 2008, conducted an annual inspection of the water system's ground storage tank;</p> <p>f. On May 15, 2008, initiated maintenance and housekeeping practices to ensure good working condition and general appearance of the water system and equipment, including clearing vines and brush off the fence at the plant;</p> <p>g. On May 15, 2008, replaced the flow measuring device for the water system's well;</p> <p>h. On May 15, 2008, equipped the air compressor injection line on the pressure tank with a filter to prevent compressor lubricants or other impurities from entering the tank; and</p> <p>i. On March 1, 2008, began collecting and submitting routine monthly bacteriological samples that are representative of the Facility's water system according to the Facility's Sample Siting Plan.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p>

[30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(iv), and 290.46(f)(3)(D)(i)].

6) Failure to secure a sanitary control easement covering all property within 150 feet of the water system's well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].

7) Failure to provide the water system's well with a screened casing vent [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].

8) Failure to provide a flow measuring device for the water system's well [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].

9) Failure to provide a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].

10) Failure to equip air compressor injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the water system's pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(3)].

11) Failure to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].

12) Failure to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].

13) Failure to submit a Disinfection Level Quarterly Operating Report ("DLQOR") by a public water system that uses purchased water or ground water sources [30 TEX. ADMIN. CODE § 290.110(e)(4)].

14) Failure to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].

15) Failure to inspect the system's ground storage tank annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].

16) Failure to develop and maintain an up-to-date distribution map so that valves and mains may be easily located during

a. Within 30 days after the effective date of this Agreed Order:

i. Securely install the electrical wiring for the water system well in compliance with a local or national electrical code;

ii. Compile and begin maintaining a thorough plant operations manual;

iii. Prepare and begin maintaining an up-to-date chemical and microbiological monitoring plan;

iv. Ensure that a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards is readily accessible outside the chlorination room; and

v. Install a 16-mesh or finer corrosion-resistant screen on the casing vent for the water system's well.

b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance that demonstrates compliance with Ordering Provision a.

c. Within 60 days after the effective date of this Agreed Order:

i. Prepare and begin maintaining an up-to-date distribution map so that valves and mains may be easily located during emergencies;

ii. Develop and begin maintaining a drought contingency plan for the Facility;

iii. Develop an adequate plumbing ordinance or regulations and begin completing customer service inspection certifications prior to providing continuous water service to new construction, or on any existing service when there is reason to believe that cross connections or other potential contaminant hazards exist; and

iv. Install sufficient valves and blowoffs in the distribution system so that necessary repairs can be made without undue interruption of service.

d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision c.

<p>emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>17) Failure to securely install all water system electrical wiring in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>18) Failure to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>19) Failure to ensure the water system is operated at all the times under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.034(b)].</p> <p>20) Failure to develop and maintain a drought contingency plan for the water system [30 TEX. ADMIN. CODE § 288.30(5)].</p>		<p>e. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Obtain a sanitary control easement that covers the land within 150 feet of the water system well, or obtain an exception to the rule; and</p> <p>ii. Prepare and begin submitting DLQORs for a public water system.</p> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): PWS ID No. 2010013



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	3-Jan-2008	Screening	15-Jan-2008	EPA Due	1-Nov-2008
	PCW	4-Aug-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Dirgin Water Supply Corporation
Reg. Ent. Ref. No.	RN101438778
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35027	No. of Violations	19
Docket No.	2008-0125-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media	Water Rights	EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,650
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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	115% Enhancement	Subtotals 2, 3, & 7	\$13,397
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Notes The penalty enhancement is due to 23 prior NOVs for the same or similar violations as those in the current enforcement action.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

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 x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$2,715	Subtotal 6	\$0
Approx. Cost of Compliance	\$8,365		

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

SUM OF SUBTOTALS 1-7	Final Subtotal	\$25,047
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OTHER FACTORS AS JUSTICE MAY REQUIRE	7%	Adjustment	\$1,765
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount	\$26,812
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$26,812
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$26,812
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Screening Date 15-Jan-2008

Docket No. 2008-0125-MLM-E

PCW

Respondent Dirgin Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 35027

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101438778

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

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)	23	115%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 115%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to 23 prior NOVs for the same or similar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 115%

Screening Date 15-Jan-2008	Docket No. 2008-0125-MLM-E	PCW
Respondent Dirgin Water Supply Corporation		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 35027		<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No. RN101438778		
Media [Statute] Public Water Supply		
Enf. Coordinator Yuliya Dunaway		

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 290.42(e)(4)(A)
Violation Description	Failed to provide a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards that is readily accessible outside the chlorination room.
Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%
Matrix Notes	Failure to provide a full-face self-contained breathing apparatus in the event of chlorine leakage could allow a significant amount of chlorine gas to impact human health which would exceed levels protective of human health.				
				Adjustment \$750	

\$250

Violation Events

Number of Violation Events	1	Number of violation days	13
<i>mark only one with an x</i>	daily		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
		Violation Base Penalty	\$250
One monthly event is recommended from the date of the record review, January 2, 2008, to the date of screening, January 15, 2008.			

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$33	Violation Final Penalty Total \$575
This violation Final Assessed Penalty (adjusted for limits) \$575	

Economic Benefit Worksheet

Respondent Dirgin Water Supply Corporation
Case ID No. 35027
Reg. Ent. Reference No. RN101438778
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	8-Aug-2007	1-Mar-2009	1.6	\$2	\$31	\$33
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount to provide a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards, calculated from the date of the previous compliance investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$300	TOTAL	\$33
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Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.44(d)(5)			
Violation Description	Failed to provide the water system with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service and for flushing the system when required.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
	Actual	Potential	Potential		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0%	
Without sufficient valves and blowoffs, necessary repairs cannot be made without undue interruption of service and the system would not have a means of flushing contaminated water from the water mains exposing the public to a significant amount of contaminants that do not exceed levels protective of human health.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended from the date of the record review, January 2, 2008, to the screening date, January 15, 2008.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$346"/>	Violation Final Penalty Total <input type="text" value="\$230"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$230"/>	

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: 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
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	\$3,000	8-Aug-2007	1-Apr-2009	1.6	\$16	\$330	\$346
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to install valves and blowoffs in the distribution system for maintenance or repair activities, calculated from the date of the previous compliance investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$346

Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	35027	<i>PCW Revision November 6, 2007</i>		
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 290.121(a)			
Violation Description	Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Major	Moderate	Minor		
	Actual				
Potential				0%	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent	
		x				10%
100% of the rule requirements were not met.						

Adjustment \$900

\$100

Violation Events

Number of Violation Events	1	Number of violation days	13	Violation Base Penalty	\$100
<i>mark only one with an x</i>	daily				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		
One single event is recommended.					

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$23
Violation Final Penalty Total	\$230
This violation Final Assessed Penalty (adjusted for limits)	\$230

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	8-Aug-2007	1-Mar-2009	1.6	\$23	n/a	\$23
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount to develop and maintain an up-to-date chemical and microbiological monitoring plan, calculated from the date of the previous compliance investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$300	TOTAL	\$23
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Screening Date 15-Jan-2008	Docket No. 2008-0125-MLM-E	PCW
Respondent Dirgin Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35027	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN101438778		
Media [Statute] Public Water Supply		
Enf. Coordinator Yuliya Dunaway		
Violation Number	4	
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(A)(iv) and 290.46(f)(3)(D)(i)	
Violation Description	Failed to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation. Specifically, at the time of the record review, it was noted that the facility failed to document the amount of chemicals used each week, the volume of water treated each week, maintenance activities, copies of all microbiological analyses and the dates that dead-end mains were flushed.	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>	
					Percent
					10%
Matrix Notes	Approximately 80% of the rule requirements were not met.				

Adjustment: \$900

\$100

Violation Events

Number of Violation Events Number of violation days

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

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 100px;" type="text" value="\$12"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$230"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$230"/>	

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$300	8-Aug-2007	15-May-2008	0.8	\$12	n/a	\$12
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to properly prepare and maintain records of water works operation and maintenance activities, copies of microbiological analyses and the dates the dead-end mains were flushed, calculated from the date of the previous compliance investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$300	TOTAL	\$12
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Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)(F)			
Violation Description	Failed to secure a sanitary control easement covering all property within 150 feet of the water system's well.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent <input type="text" value="0%"/>
Matrix Notes	Failure to secure a sanitary control easement could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels protective of human health.				
				Adjustment	\$950

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$17"/>	Violation Final Penalty Total <input type="text" value="\$115"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$115"/>	

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	8-Aug-2007	1-May-2009	1.7	\$17	n/a	\$17
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed costs include the amount to secure a sanitary control easement and file the easement in the county courthouse, calculated from the date of the previous compliance investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$17

Screening Date 15-Jan-2008 **Docket No.** 2008-0125-MLM-E **PCW**
Respondent Dirgin Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 35027 *PCW Revision November 6, 2007*
Reg. Ent. Reference No. RN101438778
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

Violation Number

Rule Cite(s)

Violation Description Failed to provide the water system's well with a screened casing vent. Specifically, at the time of the record review, it was documented that the screen on the casing vent was torn.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failure to provide a screened casing vent for the well could expose the water supply to dust, insects and other contaminants which would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One quarterly event is recommended from the date of the record review, January 2, 2008, to the screening date, January 15, 2008.

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: Dirgin Water Supply Corporation
Case ID No: 35027
Reg. Ent. Reference No.: RN101438778
Media: 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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$100	8-Aug-2007	1-Mar-2009	1.6	\$1	\$10	\$11
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide the well with a screened casing vent, calculated from the date of the previous compliance investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$11

Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	<input type="text" value="7"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(N)			
Violation Description	Failed to provide a flow measuring device for the water system's well. Specifically, at the time of the record review, it was documented that the flow meter on the pump discharge line was not working.			
		Base Penalty	<input type="text" value="\$1,000"/>	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Failure to provide a flow measuring device for the system's well could result in inaccurate or unavailable data of production yields of the water supplied to the customers.				

Adjustment

Violation Events

	<input type="text" value="1"/>	<input type="text" value="13"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>		Violation Base Penalty <input type="text" value="\$50"/>
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input checked="" type="text" value="x"/>			
One single event is recommended.				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$16"/>	Violation Final Penalty Total <input type="text" value="\$115"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$115"/>	

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$300	8-Aug-2007	15-May-2008	0.8	\$1	\$15	\$16
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to repair or replace flow measuring device at the well in the system, calculated from the date of the previous compliance investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$16

Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(l)			
Violation Description	Failed to provide a thorough plant operations manual for operator review and reference.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential				0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		x			
100% of the rule requirements were not met.					

Adjustment \$900

\$100

Violation Events

		1	13	Number of violation days
mark only one with an x	daily			Violation Base Penalty \$100
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
One single event is recommended.				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$16	Violation Final Penalty Total \$230
This violation Final Assessed Penalty (adjusted for limits) \$230	

Economic Benefit Worksheet

Respondent Dirgin Water Supply Corporation
Case ID No. 35027
Reg. Ent. Reference No. RN101438778
Media 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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	8-Aug-2007	1-Mar-2009	1.6	\$16	n/a	\$16
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs The delayed costs include the amount to prepare and maintain a facility operations manual, calculated from the date of the previous compliance investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$16

Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(d)(3)			
Violation Description	Failed to equip air compressor injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the water system's pressure tank.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%
Matrix Notes	Failure to equip air compressor injection lines with filters could allow lubricants or other significant amount of contaminants to enter the water system which would not exceed levels protective of human health.				

Adjustment \$900

\$100

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended from the date of the record review, January 2, 2008, to the date of screening, January 15, 2008.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$27"/>	Violation Final Penalty Total <input type="text" value="\$230"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$230"/>	

Economic Benefit Worksheet

Respondent Dirgin Water Supply Corporation
Case ID No. 35027
Reg. Ent. Reference No. RN101438778
Media 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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	8-Aug-2007	15-May-2008	0.8	\$1	\$26	\$27
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount to equip air compressor injection lines with filters or other devices to prevent compressor lubricants from entering the pressure tank, calculated from the date of the previous compliance investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$27
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Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	10			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(i)			
Violation Description	Failed to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent	0%
	Release	Major	Moderate	Minor		
	Actual					
	Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	10%
		x				
Matrix Notes	100% of the rule requirements were not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$230

This violation Final Assessed Penalty (adjusted for limits) \$230

Economic Benefit Worksheet

Respondent Dirgin Water Supply Corporation
Case ID No. 35027
Reg. Ent. Reference No. RN101438778
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	8-Aug-2007	1-Apr-2009	1.6	\$41	n/a	\$41
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs The delayed costs include the amount to prepare and maintain a plumbing ordinance or service agreement, calculated from the date of the previous compliance investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$41
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Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code § 290.110(c)(4)(A)			
Violation Description	Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes
 Failure to properly monitor the disinfectant residual could expose customers of the water supply to a significant amount of improperly chlorinated water which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$250

One monthly event is recommended from the date of the record review, January 2, 2008, to the date of screening, January 15, 2008.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$246 **Violation Final Penalty Total** \$575

This violation Final Assessed Penalty (adjusted for limits) \$575

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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)	\$230	8-Aug-2007	15-Jan-2008	1.4	\$16	\$230	\$246

Notes for AVOIDED costs

The avoided costs include the amount to perform weekly monitoring of the disinfectant residual in the system (\$10 per week), calculated from the date of the previous compliance investigation to the screening date.

Approx. Cost of Compliance

\$230

TOTAL

\$246

Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number 12	12			
Rule Cite(s)	30 Tex. Admin. Code § 290.110(e)(4)			
Violation Description	Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") by a public water system that uses purchased water or ground water sources. Specifically, the water system failed to submit DLQORs for the first, second, third and fourth quarters of 2007.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	0%	
	Release	Major	Moderate			Minor
	Actual					
	Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	10%
		x				
Matrix Notes	100% of the rule requirements were not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events	4	Number of violation days	365	Violation Base Penalty	\$400
<i>mark only one with an x</i>	daily monthly quarterly semiannual annual single event	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>			

Four single events (one per report) are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$84	\$921
This violation Final Assessed Penalty (adjusted for limits)	
\$921	

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$80	1-Jan-2007	31-Dec-2007	1.0	\$4	\$80	\$84
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to prepare and submit DLQORs for the public water system, calculated for the first, second, third and fourth quarters of 2007.

Approx. Cost of Compliance \$80

TOTAL \$84

Screening Date 15-Jan-2008	Docket No. 2008-0125-MLM-E	PCW
Respondent Dirgin Water Supply Corporation		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 35027		<small>PCW Revision November 6, 2007</small>
Reg. Ent. Reference No. RN101438778		
Media [Statute] Public Water Supply		
Enf. Coordinator Yuliya Dunaway		
Violation Number <input type="text" value="13"/>		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)	
Violation Description	Failed to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was documented that the water system did not clear vines and brush off the fence at the plant.	
	Base Penalty	<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>		<input type="text"/>
				Percent <input type="text" value="0%"/>	
Matrix Notes	Failure to ensure the good working condition and general appearance of the water system's facilities and equipment could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels that are protective of human health.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 13

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	8-Aug-2007	15-May-2008	0.8	\$1	\$10	\$11
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to clear the vines and brush off the fence at the plant, calculated from the date of the previous compliance investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$200	TOTAL	\$11
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Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	14			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(A)			
Violation Description	Failed to inspect the system's ground storage tank annually. Specifically, at the time of the record review, it was noted that the system's ground storage tank was not inspected in the 12 months preceding the January 2, 2008 record review.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes
 Failure to inspect the system's ground storage tank could result in non-detection of a tank defect and a loss of tank integrity compromising the system's ability to supply a safe and adequate supply of water resulting in customers of the water supply being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900
 \$100

Violation Events

Number of Violation Events: 1 365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$100

One annual event is recommended for failing to inspect the storage tank for the 12 months preceding the record review date of January 2, 2008.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$105	Violation Final Penalty Total: \$230
This violation Final Assessed Penalty (adjusted for limits) \$230	

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 14

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	2-Jan-2007	2-Jan-2008	1.0	\$5	\$100	\$105
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform an annual ground storage tank inspection, calculated 12 months preceding the January 2, 2008 record review date.

Approx. Cost of Compliance \$100

TOTAL \$105

Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	15			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(n)(2)			
Violation Description	Failed to develop and maintain an up-to-date distribution map so that valves and mains may be easily located during emergencies.			
	Base Penalty	\$1,000		

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			

Matrix Notes: 100% of the rule requirements were not met.

Adjustment: \$900

\$100

Violation Events

Number of Violation Events: 1 13 Number of violation days

mark only one with an 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: \$33	Violation Final Penalty Total: \$230
This violation Final Assessed Penalty (adjusted for limits): \$230	

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 15

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$400	8-Aug-2007	1-Apr-2009	1.6	\$33	n/a	\$33
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to prepare and maintain an up-to-date distribution map, calculated from the date of the previous compliance investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$400

TOTAL \$33

Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	16			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(v)			
Violation Description	Failed to securely install all water system electrical wiring in compliance with a local or national electrical code. Specifically, at the time of the record review, it was noted that electrical wiring for the water system's well was exposed and not compliant with a local or national electrical code.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%
Matrix Notes	Failure to install all water system electrical wiring in compliance with a local or national electrical code may cause equipment to malfunction resulting in low pressure or outages which could expose customers of the water supply to a significant amount of pollutants which would exceed levels that are protective of human health.				

Adjustment \$750

\$250

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$250

One monthly event is recommended from the date of the record review, January 2, 2008, to the screening date, January 15, 2008.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$33"/>	Violation Final Penalty Total <input type="text" value="\$575"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$575"/>	

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: 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
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	8-Aug-2007	1-Mar-2009	1.6	\$2	\$31	\$33
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount to install the facility's electrical wiring in compliance with a local or national electrical code at the well, calculated from the date of the previous compliance investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$300	TOTAL	\$33
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Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	35027	<i>PCW Revision November 6, 2007</i>		
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	17			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.110(b)(4) and 290.46(d)(2)(A), and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, on August 8, 2007, a field test conducted at the water system's pressure tank and on August 9, 2007, field tests conducted at the Polston residence and at 13759 SH 43 recorded a free chlorine residual of 0.03 mg/L, 0.11 mg/L and 0.07 mg/L, respectively.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
				Percent 0%
Matrix Notes	If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.			

Adjustment \$900

\$100

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$200

Two single events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$200"/>	Violation Final Penalty Total <input type="text" value="\$460"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$460"/>	

Economic Benefit Worksheet

Respondent Dirgin Water Supply Corporation
Case ID No. 35027
Reg. Ent. Reference No. RN101438778
Media Public Water Supply
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				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]	\$200	8-Aug-2007	9-Aug-2007	0.0	\$0	\$200	\$200
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount for additional maintenance, oversight, and an increase in chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated for the days when the violation occurred.

Approx. Cost of Compliance \$200

TOTAL \$200

Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	35027	<i>PCW Revision November 6, 2007</i>		
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input 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: Dirgin Water Supply Corporation
Case ID No: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 18

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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)	\$75	8-Aug-2007	17-Dec-2007	1.3	\$5	\$75	\$80

Notes for AVOIDED costs

The avoided costs include the amount to obtain a new contract with a water works operator who holds a valid license for the water system, calculated from the date of the previous compliance investigation to the date of compliance.

Approx. Cost of Compliance

\$75

TOTAL

\$80

Screening Date	15-Jan-2008	Docket No.	2008-0125-MLM-E	PCW
Respondent	Dirgin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35027			<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No.	RN101438778			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	19			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and Tex. Health & Safety Code § 341.033(d)			
Violation Description	Failed to collect and submit routine monthly bacteriological samples and to notify the public of the noncompliance from July 2003 to July 2004, December 2004, February 2005, June 2005, August 2005 to October 2005, December 2005, January 2006 to May 2006, July 2006, August 2006, June 2007 to December 2007, January 2008 and February 2008.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%
Matrix Notes	Failure to perform bacteriological monitoring could result in customers of the water supply being exposed to a significant amount of undetected contaminants which would exceed levels that are protective of human health.				
	Adjustment				\$750

\$250

Violation Events

Number of Violation Events	36	Number of violation days	1080	Violation Base Penalty	\$9,000												
<i>mark only one with an x</i>	<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td>x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		monthly	x	quarterly		semiannual		annual		single event					
daily																	
monthly	x																
quarterly																	
semiannual																	
annual																	
single event																	
Thirty-six monthly events are recommended for the months when bacteriological samples were not taken.																	

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$1,382
Violation Final Penalty Total	\$20,713
This violation Final Assessed Penalty (adjusted for limits)	\$20,713

Economic Benefit Worksheet

Respondent: Dirgin Water Supply Corporation
Case ID No.: 35027
Reg. Ent. Reference No.: RN101438778
Media: Public Water Supply
Violation No.: 19

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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]	\$1,080	1-Jul-2003	1-Mar-2008	5.6	\$302	\$1,080	\$1,382
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to collect 36 bacteriological samples (\$30 per sample) and to provide public notice of noncompliance, calculated for the months when violation occurred.

Approx. Cost of Compliance	\$1,080	TOTAL	\$1,382
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	3-Jan-2008			
	PCW	4-Aug-2008	Screening	15-Jan-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Dirgin Water Supply Corporation
Reg. Ent. Ref. No.	RN101438778
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35027	No. of Violations	1
Docket No.	2008-0125-MLM-E	Order Type	Findings
Media Program(s)	Water Rights	Enf. Coordinator	Yuliya Dunaway
Multi-Media	Public Water Supply	EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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	49% Enhancement	Subtotals 2, 3, & 7	\$245
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Notes
The penalty enhancement is due to one prior NOV for the same violation as in the current enforcement action and 22 dissimilar prior NOVs.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

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 x)

Notes
The Respondent does not meet the good faith criteria.

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$31	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$500		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$745
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$745

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$745
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$745
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Screening Date 15-Jan-2008

Docket No. 2008-0125-MLM-E

PCW

Respondent Dirgin Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 35027

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101438778

Media [Statute] Water Rights

Enf. Coordinator Yuliya Dunaway

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	22	44%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 49%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty enhancement is due to one prior NOV for the same violation as in the current enforcement action and 22 dissimilar prior NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 49%

Screening Date 15-Jan-2008	Docket No. 2008-0125-MLM-E	PCW
Respondent Dirgin Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35027	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN101438778		
Media [Statute] Water Rights		
Enf. Coordinator Yuliya Dunaway		

Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 288.30(5)		
Violation Description	Failed to develop and maintain a drought contingency plan for the water system.		
Base Penalty			\$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>	
					Percent <input style="width:50px;" type="text" value="10%"/>

Matrix Notes 100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
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Estimated EB Amount <input style="width: 150px;" type="text" value="\$31"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$745"/>
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This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Dirgin Water Supply Corporation
Case ID No. 35027
Reg. Ent. Reference No. RN101438778
Media Water Rights
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$500	2-Jan-2008	1-Apr-2009	1.2	\$31	n/a	\$31

Notes for DELAYED costs

The delayed costs include the amount to prepare and approve a drought contingency plan for the water supply, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$31

Compliance History

Customer/Respondent/Owner-Operator:	CN600636302 Dirgin Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101438778 DIRGIN WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2010013
	WATER LICENSING	LICENSE	2010013
Location:	S OF HWY 43 ON W SIDE OF FM 2658, RUSK COUNTY, TX		
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	August 04, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 04, 2003 to August 04, 2008		

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

Name: Yuliya Dunaway Phone: (210) 403-4077

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	10/15/2003	(406679)
2	11/06/2003	(406680)
3	12/03/2003	(406681)
4	01/13/2004	(406682)
5	01/14/2004	(404978)
6	01/28/2004	(406683)
7	02/27/2004	(406684)
8	03/30/2004	(406685)
9	05/05/2004	(406686)
10	05/26/2004	(406687)
11	07/02/2004	(406688)
12	07/29/2004	(406689)
13	11/08/2004	(406691)
14	01/28/2005	(406692)
15	04/01/2005	(406693)
16	07/27/2005	(406694)
17	09/27/2005	(432805)
18	01/18/2007	(536860)
19	07/15/2007	(645310)
20	08/15/2007	(645643)
21	10/01/2007	(645942)
22	10/30/2007	(594720)
23	11/01/2007	(646098)
24	01/03/2008	(613191)
25	04/10/2008	(670347)

26 04/25/2008 (680997)
27 07/31/2008 (688321)

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

Date: 10/15/2003 (406679)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 08/2003.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 08/2003.

Date: 11/06/2003 (406680)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 09/2003.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 09/2003.

Date: 12/03/2003 (406681)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 10/2003.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 10/2003.

Date: 01/13/2004 (406682)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 11/2003.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 11/2003.

Date: 01/14/2004 (404978)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 07/2003.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 07/2003.

Date: 01/28/2004 (406683)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 12/2003.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 12/2003.

Date: 02/27/2004 (406684)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 01/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 01/2004.

Date: 03/30/2004 (406685)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 02/2004.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 02/2004.
Date: 05/05/2004 (406686)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 03/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 03/2004.
Date: 05/26/2004 (406687)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 04/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 04/2004.
Date: 07/02/2004 (406688)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 05/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 05/2004.
Date: 07/29/2004 (406689)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 06/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 06/2004.
Date: 11/08/2004 (406691)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 07/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 07/2004.
Date: 01/28/2005 (406692)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 12/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 12/2004.
Date: 04/01/2005 (406693)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 02/2005.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 02/2005.
Date: 07/27/2005 (406694)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 06/2005.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 06/2005.

Date: 01/22/2007 (536860)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)
Description: Failure to provide a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards that is readily accessible outside the chlorination room.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(5)
Description: Failure to provide the water system with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service and for flushing the system when required.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)
Description: Failure to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to secure a sanitary control easement covering all property within 150 feet of the water system's well.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: Failure to provide the water system's well with a screened casing vent.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
Description: Failure to provide a flow measuring device for the water system's well.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to provide a thorough plant operations manual for operator review and reference.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
Description: Failure to provide vent screens on all storage tanks.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Failure to equip air compressor injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the water system's pressure tank.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
Description: Failure to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
Description: Failure to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
Description: Failure to maintain adequate residual disinfectant concentration

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
Description: Failure to submit a Disinfection Level Quarterly Operating Report ("DLQOR") by a public water system that uses purchased water or ground water sources.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the system's facilities and equipment.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failure to inspect the system's ground storage tank annually.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failure to develop and maintain an up-to-date distribution map so that valves and mains may be easily located during emergencies.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failure to securely install all water system electrical wiring in compliance with a local or national electrical code.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 288, SubChapter B 288.20
Description: Failure to provide a copy of an adopted drought contingency plan.
Date: 07/15/2007 (645310)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 06/2007 - Failure to collect any routine monitoring sample(s).
Date: 08/15/2007 (645643)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 07/2007 - Failure to collect any routine monitoring sample(s).
Date: 10/01/2007 (645942)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 08/2007 - Failure to collect any routine monitoring sample(s).
Date: 11/01/2007 (646098)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 09/2007 - Failure to collect any routine monitoring sample(s).
Date: 04/10/2008 (670347)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 01/2008 - Failure to collect any routine monitoring sample(s).
Date: 04/25/2008 (680997)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 02/2008 - Failure to collect any routine monitoring sample(s).

- 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DIRGIN WATER SUPPLY
CORPORATION
RN101438778

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0125-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Dirgin Water Supply Corporation (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply south of State Highway 43 on west side of Farm-to-Market Road 2658, Rusk County, Texas (the “Facility”) that has approximately 20 service connections and serves at least 25 people per day for at least 60 days per year.

2. The Respondent's Facility adjoins, is contiguous with or surrounds state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(46).
3. During record reviews conducted on July 1, 2005 and July 30, 2008, TCEQ staff documented that the Respondent failed to collect and submit routine monthly bacteriological samples for the months of July 2003 to July 2004, December 2004, February 2005, June 2005, August 2005 to October 2005, December 2005, January 2006 to May 2006, July 2006, August 2006, June 2007 to December 2007, January 2008 and February 2008, and failed to notify the public of the noncompliance.
4. During a record review conducted on January 2, 2008, TCEQ staff documented that the Respondent did not:
 - a. Provide a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards that is readily accessible outside the chlorination room;
 - b. Provide the water system with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service and for flushing the system when required;
 - c. Develop and maintain an up-to-date chemical and microbiological monitoring plan;
 - d. Maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation. Specifically, it was noted that the Facility failed to document the amount of chemicals used each week, the volume of water treated each week, maintenance activities, copies of all microbiological analyses and the dates that dead-end mains were flushed;
 - e. Secure a sanitary control easement covering all property within 150 feet of the water system's well;
 - f. Provide the water system's well with a screened casing vent. Specifically, at the time of the record review, it was documented that the screen on the casing vent was torn;
 - g. Provide a flow measuring device for the water system's well. Specifically, at the time of the record review, it was documented that the flow meter on the pump discharge line was not working;
 - h. Provide a thorough plant operations manual for operator review and reference;
 - i. Equip air compressor injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the water system's pressure tank;
 - j. Adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted;

- k. Monitor the disinfectant residual at representative locations in the distribution system at least once every seven days;
 - l. Submit a Disinfection Level Quarterly Operating Report ("DLQOR") by a public water system that uses purchased water or ground water sources. Specifically, the water system failed to submit DLQORs for the first, second, third and fourth quarters of 2007;
 - m. Initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the record review, it was documented that the water system did not clear vines and brush off the fence at the plant;
 - n. Inspect the system's ground storage tank annually. Specifically, at the time of the record review, it was noted that the system's ground storage tank was not inspected in the 12 months preceding the January 2, 2008 record review;
 - o. Develop and maintain an up-to-date distribution map so that valves and mains may be easily located during emergencies;
 - p. Securely install all water system electrical wiring in compliance with a local or national electrical code. Specifically, at the time of the record review, it was noted that electrical wiring for the water system's well was exposed and not compliant with a local or national electrical code;
 - q. Maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, on August 8, 2007, a field test conducted at the water system's pressure tank and on August 9, 2007, field tests conducted at the Polston residence and at 13759 SH 43 recorded a free chlorine residual of 0.03 mg/L, 0.11 mg/L and 0.07 mg/L, respectively;
 - r. Ensure the water system is operated at all times under a direct supervision of a water works operator who holds a Class "D" or higher license. Specifically, at the time of the record review, it was documented that the water system's contract operator has discontinued services to the water system due to the expiration of his contract; and
 - s. Develop and maintain a drought contingency plan for the water system.
5. The Respondent received notices of the violations on or about June 7, 2006, November 5, 2007, and August 5, 2008.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
- a. On December 17, 2007, provided a certified operator for the water system;

- b. On May 15, 2008, completed and began maintaining properly completed monthly water works operation reports and maintenance records;
- c. On May 15, 2008, began monitoring the disinfectant residual at representative locations within the distribution system at least once every seven days;
- d. On May 15, 2008, began maintaining a residual disinfectant concentration of at least 0.2 mg/L of free chlorine throughout the distribution system;
- e. On May 15, 2008, conducted an annual inspection of the water system's ground storage tank;
- f. On May 15, 2008, initiated maintenance and housekeeping practices to ensure good working condition and general appearance of the water system and equipment, including clearing vines and brush off the fence at the plant;
- g. On May 15, 2008, replaced the flow measuring device for the water system's well;
- h. On May 15, 2008, equipped the air compressor injection line on the pressure tank with a filter to prevent compressor lubricants or other impurities from entering the tank; and
- i. On March 1, 2008, began collecting and submitting routine monthly bacteriological samples that are representative of the Facility's water system according to the Facility's Sample Siting Plan.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 11 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to collect and submit routine monthly bacteriological samples and failed to notify the public of the noncompliance, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Findings of Fact No. 4.a, the Respondent failed to provide a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards that is readily accessible outside the chlorination room, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A).
4. As evidenced by Findings of Fact No. 4.b, the Respondent failed to provide the water system with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service and for flushing the system when required, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(5).

5. As evidenced by Findings of Fact No. 4.c, the Respondent failed to develop and maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a).
6. As evidenced by Findings of Fact No. 4.d, the Respondent failed to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(A)(iv) and 290.46(f)(3)(D)(i).
7. As evidenced by Findings of Fact No. 4.e, the Respondent failed to secure a sanitary control easement covering all property within 150 feet of the water system's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
8. As evidenced by Findings of Fact No. 4.f, the Respondent failed to provide the water system's well with a screened casing vent, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
9. As evidenced by Findings of Fact No. 4.g, the Respondent failed to provide a flow measuring device for the water system's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).
10. As evidenced by Findings of Fact No. 4.h, the Respondent failed to provide a thorough plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
11. As evidenced by Findings of Fact No. 4.i, the Respondent failed to equip air compressor injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the water system's pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3).
12. As evidenced by Findings of Fact No. 4.j, the Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
13. As evidenced by Findings of Fact No. 4.k, the Respondent failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
14. As evidenced by Findings of Fact No. 4.l, the Respondent failed to submit a DLQOR by a public water system that uses purchased water or ground water sources, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4).
15. As evidenced by Findings of Fact No. 4.m, the Respondent failed to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
16. As evidenced by Findings of Fact No. 4.n, the Respondent failed to inspect the system's ground storage tank annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).

17. As evidenced by Findings of Fact No. 4.o, the Respondent failed to develop and maintain an up-to-date distribution map so that valves and mains may be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
18. As evidenced by Findings of Fact No. 4.p, the Respondent failed to securely install all water system electrical wiring in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v).
19. As evidenced by Findings of Fact No. 4.q, the Respondent failed to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.0315(c).
20. As evidenced by Findings of Fact No. 4.r, the Respondent failed to ensure the water system is operated at all the times under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.034(b).
21. As evidenced by Findings of Fact No. 4.s, the Respondent failed to develop and maintain a drought contingency plan for the water system, in violation of 30 TEX. ADMIN. CODE § 288.30(5).
22. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
23. An administrative penalty in the amount of Twenty Seven Thousand Five Hundred Fifty-Seven Dollars (\$27,557) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Twenty Three Thousand Nine Hundred Fifty-Seven Dollars (\$23,957) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid One Hundred Dollars (\$100) of the undeferred administrative penalty. The remaining amount of Three Thousand Five Hundred Dollars (\$3,500) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment

requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty as set forth in Section II, Paragraph 23 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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 "TCEQ" and shall be sent with the notation "Re: Dirgin Water Supply Corporation, Docket No. 2008-0125-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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Securely install the electrical wiring for the water system well in compliance with a local or national electrical code, as required by 30 TEX. ADMIN. CODE § 290.46;
 - ii. Compile and begin maintaining a thorough plant operations manual, as required by 30 TEX. ADMIN. CODE § 290.42;
 - iii. Prepare and begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121;
 - iv. Ensure that a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards is readily accessible outside the chlorination room, as required by 30 TEX. ADMIN. CODE § 290.42; and

- v. Install a 16-mesh or finer corrosion-resistant screen on the casing vent for the water system's well, as required by 30 TEX. ADMIN. CODE § 290.41.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 2.f, that demonstrates compliance with Ordering Provision No. 2.a.
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Prepare and begin maintaining an up-to-date distribution map so that valves and mains may be easily located during emergencies, as required by 30 TEX. ADMIN. CODE § 290.46;
 - ii. Develop and begin maintaining a drought contingency plan for the Facility, as required by 30 TEX. ADMIN. CODE § 288.30;
 - iii. Develop an adequate plumbing ordinance or regulations and begin completing customer service inspection certifications prior to providing continuous water service to new construction, on any existing service when there is reason to believe that cross connections or other potential contaminant hazards exist, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Install sufficient valves and blowoffs in the distribution system so that necessary repairs can be made without undue interruption of service, as required by 30 TEX. ADMIN. CODE § 290.44.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.c
- e. Within 90 days after the effective date of this Agreed Order:
 - i. Obtain a sanitary control easement that covers the land within 150 feet of the water system well, as required by 30 TEX. ADMIN. CODE § 290.41 or obtain an exception to the rule, as required by 30 TEX. ADMIN. CODE § 290.39; and
 - ii. Prepare and begin submitting DLQORs for a public water system, as required by 30 TEX. ADMIN. CODE § 290.110.

The DLQORs shall be submitted to:

Water Supply Division
Public Drinking Water Section, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

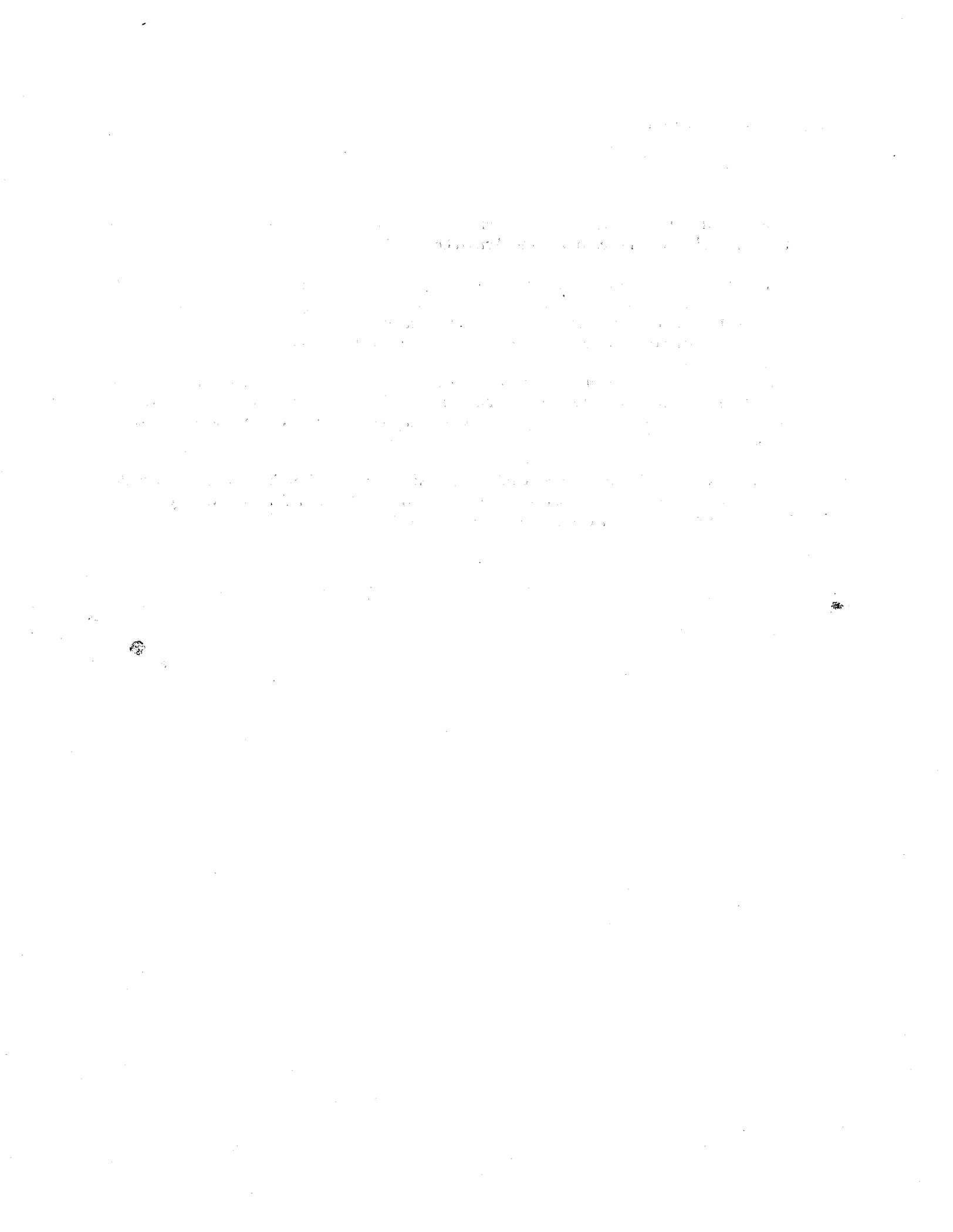
Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

6. 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.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sartin
For the Executive Director

11/14/2008
August 21, 2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Dirgin Water Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of Dirgin Water Supply Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Dirgin Water Supply Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

In addition, any falsification of any compliance documents may result in criminal prosecution.

Sally Valcourt
Signature

Aug 21, 2008
Date

SALLY Valcourt
Name (Printed or typed)
Authorized Representative of
Dirgin Water Supply Corporation

Secretary/Treasurer
Title
water operator

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

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