

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0631-PWS-E **TCEQ ID:** RN101442085 **CASE NO.:** 37523

RESPONDENT NAME: Deanville Water Supply Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Deanville WSC, 6535 Farm-to-Market Road 111, Deanville, Burleson County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 28, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. Cynthia Zwernemann, Registered Agent, Deanville Water Supply Corporation, 6535 Farm-to-Market Road 111, Deanville, Texas 77852 Mr. Marvin Laffere, President, Deanville Water Supply Corporation, 6535 Farm-to-Market Road 111, Deanville, Texas 77852 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: March 16, 2009</p> <p>Date of NOV/NOE Relating to this Case: April 6, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to house the chlorine gas cylinders in a manner to protect them from adverse weather conditions and vandalism [30 TEX. ADMIN. CODE § 290.42(e)(4)(B)].</p> <p>2) Failure to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].</p> <p>3) Failure to provide all potable water storage tanks, pressure maintenance facilities and wells with an intruder-resistant fence with lockable gates [30 TEX. ADMIN. CODE §§ 290.43(e) and 290.41(c)(3)(O)].</p> <p>4) Failure to calibrate the Facility's well meters at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>5) Failure to conduct an inspection of the interior of the Facility's pressure tanks every five years [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>6) Failure to compile, maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(B)(iii)].</p>	<p>Total Assessed: \$3,145</p> <p>Total Deferred: \$629 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,516</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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Make readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency, a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage;</p> <p>ii. Provide a copy of the following Facility records: verification of ANSI/NSF Standard 60 for the chlorine gas used for disinfection and the sodium hypochlorite the Facility uses for disinfecting repairs, copies of the daily chlorine residual monitoring results, well meter readings for Well No. 1, and records of the maximum daily demand of the Facility; and</p> <p>iii. Compile and maintain a thorough plant operations manual for operator review and reference, including but not limited to, telephone numbers of local/state/federal agencies to be contacted in the event of an emergency.</p> <p>b. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a;</p> <p>ii. House the chlorine gas cylinders at Plant Nos. 1, 2 and 3 in a secure enclosure to protect them from adverse weather conditions and vandalism;</p> <p>iii. Provide all potable water storage tanks, pressure maintenance facilities and wells with an intruder-resistant fence with lockable gates and is at least 72 inches high and free of vegetation, including but not limited to the fencing at Plant Nos. 1, 3 and 4;</p>

<p>7) Failure to compile and maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(1)].</p>		<p>iv. Calibrate the well meters at Well Nos. 3 and 4; and</p> <p>v. Conduct an inspection of the interior of the Facility's pressure tanks at Plant Nos. 3 and 4.</p> <p>c. 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 Provisions b.ii through b.v.</p>
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Additional ID No(s): PWS ID. No. 0260014



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	13-Apr-2009	Screening	27-Apr-2009	EPA Due	
	PCW	5-Aug-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Deanville Water Supply Corporation		
Reg. Ent. Ref. No.	RN101442085		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37523	No. of Violations	7
Docket No.	2009-0631-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeoduru
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 27-Apr-2009

Docket No. 2009-0631-PWS-E

PCW

Respondent Deanville Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37523

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101442085

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were 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) 5%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement due to one prior Notice of Violation containing the same or similar violations as those in the current enforcement action.

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

Screening Date 27-Apr-2009	Docket No. 2009-0631-PWS-E	PCW		
Respondent Deanville Water Supply Corporation		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37523		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101442085				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.42(e)(4)(B)"/>			
Violation Description	Failed to house the chlorine gas cylinders in a manner to protect them from adverse weather conditions and vandalism. Specifically, at the time of the record review, it was documented that the chlorine gas cylinders at Plant Nos. 1, 2, and 3 were installed on the outside of the chlorine buildings and were not protected from weather conditions or vandalism.			
	Base Penalty	<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	
			Percent <input type="text" value="25%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Failure to properly house the chlorine gas cylinders may allow the integrity of the containers to be compromised due to adverse weather conditions and damaged due to vandalism. This could expose workers of the Facility to a significant amount of chlorine gas which could exceed levels that are protective of human health.			
	Adjustment	<input type="text" value="\$750"/>		
		<input type="text" value="\$250"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="6"/>	Number of violation days	
		<input type="text" value="42"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
			Violation Base Penalty <input type="text" value="\$1,500"/>	
Six monthly events are recommended, based on 2 monthly events for each plant cited, calculated from the date of the record review, March 16, 2009, to the screening date, April 27, 2009.				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>	
		Before NOV NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input type="text" value="x"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
	Violation Subtotal	<input type="text" value="\$1,500"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$216"/>	Violation Final Penalty Total	<input type="text" value="\$1,575"/>	
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$1,575"/>	

Economic Benefit Worksheet

Respondent Deanville Water Supply Corporation
Case ID No. 37523
Reg. Ent. Reference No. RN101442085
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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,722	16-Apr-2008	31-Jan-2010	1.79	\$10	\$206	\$216
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the amount to construct or purchase (3 x \$574 each) an enclosure to house the chlorine gas cylinders. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,722

TOTAL \$216

<p>Screening Date 27-Apr-2009</p> <p>Respondent Deanville Water Supply Corporation</p> <p>Case ID No. 37523</p> <p>Reg. Ent. Reference No. RN101442085</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Andrea Linson-Mgbeoduru</p> <p>Violation Number <input type="text" value="2"/></p> <p>Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 290.42(e)(4)(A)"/></p> <p>Violation Description <input type="text" value="Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency. Specifically, during an investigation conducted on April 16, 2008, it was documented that there was an empty ammonia bottle outside the chlorinator room at Plant No. 3."/></p>	<p align="right">Docket No. 2009-0631-PWS-E</p> <p align="right">PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>																								
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Violation Subtotal <input type="text" value="\$500"/>																									
Economic Benefit (EB) for this violation	Statutory Limit Test																								
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$525"/>																								
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$525"/>																									

Economic Benefit Worksheet

Respondent Deanville Water Supply Corporation
Case ID No. 37523
Reg. Ent. Reference No. RN101442085
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
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10	16-Apr-2008	30-Nov-2009	1.62	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the amount necessary to provide and make readily available and accessible, a bottle of fresh ammonia solution for leak testing in the event of an emergency. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$10

TOTAL \$1

<p>Screening Date 27-Apr-2009</p> <p>Respondent Deanville Water Supply Corporation</p> <p>Case ID No. 37523</p> <p>Reg. Ent. Reference No. RN101442085</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Andrea Linson-Mgbeoduru</p> <p>Violation Number <input type="text" value="3"/></p> <p>Rule Cite(s) <input type="text" value="30 Tex. Admin. Code §§ 290.43(e) and 290.41(c)(3)(O)"/></p> <p>Violation Description <input type="text" value="Failed to provide all potable water storage tanks, pressure maintenance facilities, and wells with with an intruder-resistant fence with lockable gates. Specifically, at the time of the record review, it was documented that the back fence line at Plant No. 4 measured 67 inches high, and the fence at the front gate section at Plant No. 1 measured 67.5 inches high. Additionally, the fence at Plant No. 3 is overgrown with vegetation rendering it not intruder-resistant."/></p>	<p>Docket No. 2009-0631-PWS-E</p> <p>PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small></p>																			
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Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>																
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>> Programmatic Matrix																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> <tr> <td style="text-align: center;">Matrix Notes</td> <td colspan="3" style="text-align: center;"><input type="text" value="Failure to properly secure the Facility and its equipment could render the Facility vulnerable to vandalism from trespassers thereby exposing customers of the Facility to a significant amounts of pollutants that would not exceed levels protective of human health."/></td> </tr> </table>		Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	Matrix Notes	<input type="text" value="Failure to properly secure the Facility and its equipment could render the Facility vulnerable to vandalism from trespassers thereby exposing customers of the Facility to a significant amounts of pollutants that would not exceed levels protective of human health."/>							
	Major	Moderate	Minor																	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																
Matrix Notes	<input type="text" value="Failure to properly secure the Facility and its equipment could render the Facility vulnerable to vandalism from trespassers thereby exposing customers of the Facility to a significant amounts of pollutants that would not exceed levels protective of human health."/>																			
Adjustment <input type="text" value="\$900"/>																				
<input type="text" value="\$100"/>																				
Violation Events																				
Number of Violation Events <input type="text" value="3"/>	<input type="text" value="42"/> Number of violation days																			
<i>mark only one with an x</i> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">weekly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$300"/>					
daily	<input type="text"/>																			
weekly	<input type="text"/>																			
monthly	<input type="text"/>																			
quarterly	x																			
semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	<input type="text"/>																			
<input type="text" value="Three quarterly events are recommended, based on one quarterly event for each plant cited, calculated from the record review date, March 16, 2009, to the screening date, April 27, 2009."/>																				
Good Faith Efforts to Comply																				
0.0% Reduction	<input type="text" value="\$0"/>																			
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>																			
Extraordinary	<input type="text"/>																			
Ordinary	<input type="text"/>																			
N/A	x (mark with x)																			
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>																			
Violation Subtotal <input type="text" value="\$300"/>																				
Economic Benefit (EB) for this violation																				
Statutory Limit Test																				
Estimated EB Amount <input type="text" value="\$120"/>	Violation Final Penalty Total <input type="text" value="\$315"/>																			
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$315"/>																				

Economic Benefit Worksheet

Respondent Deanville Water Supply Corporation
Case ID No. 37523
Reg. Ent. Reference No. RN101442085
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$120	16-Apr-2008	31-Jan-2010	1.79	\$1	\$14	\$15
Engineering/construction	\$832	16-Apr-2008	31-Jan-2010	1.79	\$5	\$100	\$105
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount necessary to render the fences at Plant Nos. 1 and 4 intruder-resistant by extending the fencing as necessary (\$176/50ft roll x 100ft + \$20/h x 24 hours labor) and removing the vegetation from the fence at Plant No. 3 (\$15/h 8 hours lawn service). The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$952

TOTAL \$120

Screening Date 27-Apr-2009	Docket No. 2009-0631-PWS-E	PCW	
Respondent Deanville Water Supply Corporation		<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37523		<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101442085			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number	4		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(1)		
Violation Description	Failed to calibrate the Facility's well meters at least once every three years. Specifically, at the time of the record review, it was documented that the meters on Well Nos. 3 and 4 had not been calibrated within the past three years.		
	Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual		
Potential			x
		Percent	5%
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
		Percent	0%
Matrix Notes	Failure to calibrate well meters could possibly contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations thereby exposing customers to an insignificant amounts of contaminants that would not exceed levels protective of human health.		
	Adjustment	\$950	\$50
Violation Events			
	Number of Violation Events	2	42
			Number of violation days
<i>mark only one with an x</i>	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
		Violation Base Penalty	\$100
Two single events are recommended, based on one single event for each well cited, calculated from the date of the record review, March 16, 2009, to the screening date, April 27, 2009.			
Good Faith Efforts to Comply			
	0.0% Reduction		\$0
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	\$100	
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount	\$120	Violation Final Penalty Total	\$105
		This violation Final Assessed Penalty (adjusted for limits)	\$105

Economic Benefit Worksheet

Respondent Deanville Water Supply Corporation
Case ID No. 37523
Reg. Ent. Reference No. RN101442085
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	16-Mar-2006	16-Mar-2009	3.92	\$20	\$100	\$120
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to have the well meters calibrated (\$50 per meter). The date required is three years prior to the investigation. The final date is the date of the record review.

Approx. Cost of Compliance \$100

TOTAL \$120

<p>Screening Date 27-Apr-2009</p> <p>Respondent Deanville Water Supply Corporation</p> <p>Case ID No. 37523</p> <p>Reg. Ent. Reference No. RN101442085</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Andrea Linson-Mgbeoduru</p> <p>Violation Number <input type="text" value="5"/></p> <p>Rule Cite(s) <input style="width:100%;" type="text" value="30 Tex. Admin. Code § 290.46(m)(1)(B)"/></p> <p>Violation Description <input style="width:100%; height: 60px;" type="text" value="Failed to conduct an inspection of the the interior of the Facility's pressure tanks every five years. Specifically, at the time of the record review, it was documented that the interior of the pressure tank at Plant No. 1 and the pressure tank at Plant No. 3 had not been inspected within the past five years."/></p>	<p align="right">Docket No. 2009-0631-PWS-E</p> <p align="right">PCW</p> <p align="right"><small>Policy Revision 2 (September 2002)</small></p> <p align="right"><small>PCW Revision October 30, 2008</small></p>																			
Base Penalty <input style="width:100%;" type="text" value="\$1,000"/>																				
>> Environmental, Property and Human Health Matrix																				
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	Harm																			
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Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width:50px;" type="text" value="25%"/>																
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>> Programmatic Matrix																				
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	Major	Moderate	Minor																	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width:50px;" type="text" value="0%"/>																
Adjustment <input style="width:100%;" type="text" value="\$750"/>																				
<input style="width:100%;" type="text" value="\$250"/>																				
Violation Events																				
<p>Number of Violation Events <input style="width:50px;" type="text" value="2"/> <input style="width:50px;" type="text" value="42"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="7" style="width:10%;"><i>mark only one with an x</i></td> <td>daily</td> <td><input type="text"/></td> </tr> <tr> <td>weekly</td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td><input type="text"/></td> </tr> <tr> <td>quarterly</td> <td><input type="text"/></td> </tr> <tr> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td>single event</td> <td align="center">x</td> </tr> </table>	<i>mark only one with an x</i>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<p>Violation Base Penalty <input style="width:100%;" type="text" value="\$500"/></p>				
<i>mark only one with an x</i>		daily	<input type="text"/>																	
		weekly	<input type="text"/>																	
		monthly	<input type="text"/>																	
		quarterly	<input type="text"/>																	
		semiannual	<input type="text"/>																	
		annual	<input type="text"/>																	
	single event	x																		
<p>Two single events are recommended, based on one event for each pressure tank cited.</p>																				
Good Faith Efforts to Comply																				
<input style="width:100%;" type="text" value="0.0% Reduction"/> <input style="width:100%;" type="text" value="\$0"/>																				
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	Before NOV	NOV to EDPRP/Settlement Offer																		
Extraordinary	<input type="text"/>	<input type="text"/>																		
Ordinary	<input type="text"/>	<input type="text"/>																		
N/A	x	(mark with x)																		
Violation Subtotal <input style="width:100%;" type="text" value="\$500"/>																				
Economic Benefit (EB) for this violation	Statutory Limit Test																			
Estimated EB Amount <input style="width:100%;" type="text" value="\$353"/>	Violation Final Penalty Total <input style="width:100%;" type="text" value="\$525"/>																			
This violation Final Assessed Penalty (adjusted for limits) <input style="width:100%;" type="text" value="\$525"/>																				

Economic Benefit Worksheet

Respondent Deanville Water Supply Corporation
Case ID No. 37523
Reg. Ent. Reference No. RN101442085
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$272	16-Mar-2004	16-Mar-2009	5.92	\$81	\$272	\$353
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to inspect the interior of the two pressure tanks (\$17/h labor x 8 hours x 2 tanks). The date required is five years prior to the investigation. The final date is the date of the investigation.

Approx. Cost of Compliance

\$272

TOTAL

\$353

<p>Screening Date 27-Apr-2009</p> <p>Respondent Deanville Water Supply Corporation</p> <p>Case ID No. 37523</p> <p>Reg. Ent. Reference No. RN101442085</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Andrea Linson-Mgbeoduru</p> <p>Violation Number <input type="text" value="6"/></p> <p>Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 290.46(f)(2), and 290.46(f)(3)(B)(iii)"/></p> <p>Violation Description <input type="text" value="Failed to maintain and make available to the Commission upon request an accurate and up to-date record of water works operation and maintenance activities. Specifically, at the time of the record review, it was documented that the following documents were not available for review during an investigation conducted on April 16, 2008: Verification of ANSI/NSF Standard 60 for the chlorine gas used for disinfection and the sodium hypochlorite the Facility uses for disinfecting repairs, copies of the daily chlorine residual monitoring results, well meter readings for Well No. 1, and records of the maximum daily demand for the Facility."/></p>	<p align="right">Docket No. 2009-0631-PWS-E</p> <p align="right">PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small></p> <p>Base Penalty <input type="text" value="\$1,000"/></p>																								
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<p>Violation Events</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:40%;">Number of Violation Events <input type="text" value="1"/></td> <td style="width:20%;"></td> <td style="width:20%;">Number of violation days <input type="text" value="42"/></td> <td style="width:20%;"></td> </tr> <tr> <td rowspan="7" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td style="text-align: center;">daily</td> <td><input type="text"/></td> <td rowspan="7" style="vertical-align: middle;">Violation Base Penalty <input type="text" value="\$10"/></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="3" style="text-align: center;"><input type="text" value="One single event is recommended."/></td> <td></td> </tr> </table>		Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="42"/>		<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$10"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>	<input type="text" value="One single event is recommended."/>			
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<p>Good Faith Efforts to Comply</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">0.0% Reduction</td> <td style="text-align: right;"><input type="text" value="\$0"/></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;">(mark with x)</td> </tr> <tr> <td style="text-align: center;">Notes</td> <td colspan="2" style="text-align: center;"><input type="text" value="The Respondent does not meet the good faith criteria for this violation."/></td> </tr> <tr> <td colspan="2" style="text-align: right;">Violation Subtotal</td> <td style="text-align: right;"><input type="text" value="\$10"/></td> </tr> </table>		0.0% Reduction		<input type="text" value="\$0"/>		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	<input checked="" type="checkbox"/>	(mark with x)	Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		Violation Subtotal		<input type="text" value="\$10"/>			
0.0% Reduction		<input type="text" value="\$0"/>																							
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Violation Subtotal		<input type="text" value="\$10"/>																							
<p>Economic Benefit (EB) for this violation</p> <p>Estimated EB Amount <input type="text" value="\$8"/></p>		<p>Statutory Limit Test</p> <p>Violation Final Penalty Total <input type="text" value="\$11"/></p> <p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$50"/></p>																							

Economic Benefit Worksheet

Respondent Deanville Water Supply Corporation
Case ID No. 37523
Reg. Ent. Reference No. RN101442085
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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	16-Apr-2008	30-Nov-2009	1.62	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount necessary maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities, including but not limited to: verification of ANSI/NSF Standard 60 for the chlorine gas used for disinfection and the sodium hypochlorite the Facility uses for disinfecting repairs, copies of the daily chlorine residual monitoring results, well meter readings, and records of the maximum daily demand for the Facility. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$8

Screening Date 27-Apr-2009	Docket No. 2009-0631-PWS-E	PCW		
Respondent Deanville Water Supply Corporation		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37523		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN101442085				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number <input type="text" value="7"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.42(l)			
Violation Description	Failed to compile and maintain a thorough plant operations manual for operator review and reference. Specifically, at the time of the record review, it was documented that the plant operations manual did not provide telephone numbers of local/state/federal agencies to be contacted in the event of an emergency.			
	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 type="text"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x
				Percent <input type="text" value="1%"/>
Matrix Notes	Less than 30% of the rule requirement was not met.			
				Adjustment <input type="text" value="\$990"/>
<input type="text" value="\$10"/>				
Violation Events				
	<input type="text" value="1"/>	<input type="text" value="42"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
				Violation Base Penalty <input type="text" value="\$10"/>
One single event is recommended.				
Good Faith Efforts to Comply				
	<input type="text" value="0.0%"/>	Reduction		<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
				Violation Subtotal <input type="text" value="\$10"/>
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	<input type="text" value="\$4"/>	Violation Final Penalty Total	<input type="text" value="\$11"/>	
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$50"/>	

Economic Benefit Worksheet

Respondent Deanville Water Supply Corporation
Case ID No. 37523
Reg. Ent. Reference No. RN101442085
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	16-Apr-2008	30-Nov-2009	1.62	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the amount necessary to provide telephone numbers of local/state/federal agencies to be contacted in the event of an emergency. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$4

Compliance History Report

Customer/Respondent/Owner-Operator: CN600623656 Deanville Water Supply Corporation Classification: Rating:
Regulated Entity: RN101442085 DEANVILLE WSC Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0260014
WATER LICENSING LICENSE 0260014
Location: 6535 FARM-TO-MARKET ROAD 111, DEANVILLE, BURLESON COUNTY, TX
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: April 27, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 27, 2004 to April 27, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Andrea Linson-Mqbeoduru Phone: 512-239-1482

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 | 08/06/2004 | (271068) |
| 2 | 06/06/2008 | (654949) |
| 3 | 08/05/2008 | (688176) |
| 4 | 10/28/2008 | (705063) |
| 5 | 04/07/2009 | (738817) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	06/10/2008	(654949)	CN600623656
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 288, SubChapter C 288.30(3)		
Description:	Failure to provide a copy of an adopted Drought Contingency Plan.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
Description:	Failure to maintain water storage facilities and related appurtenances in a watertight condition.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)		
Description:	Failure to protect stored chlorine gas cylinders from adverse weather conditions and vandalism.		
Self Report?	NO		Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)
 Description: Failure to provide ammonia bottles for leak protection.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.38(34)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to provide an intruder resistant fence around the pressure tank, ground storage tank and well.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
 Description: Failure to calibrate well meter at least once every three years.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
 Description: Failure to provide water-level indicators on water storage tanks.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure to prevent excessive corrosion on the service pumps by good maintenance practices.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
 Description: Failure to provide proper vents on the gas chlorine room at Plant 3.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
 Description: Failure to inspect the interior of the pressure tank at least once every five years.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
 Description: Failure to provide an adequate Service Agreement.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 Description: Failure to provide a complete plant operations manual.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(B)
 Description: Failure to employ an individual with the appropriate license to operate the water system.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DEANVILLE WATER SUPPLY
CORPORATION
RN101442085

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0631-PWS-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a public water supply at 6535 Farm-to-Market Road 111 in Deanville, Burtleson County, Texas (the "Facility") that has approximately 852 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 11, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand One Hundred Forty-Five Dollars (\$3,145) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Five Hundred Sixteen Dollars (\$2,516) of the administrative penalty and Six Hundred Twenty-Nine Dollars (\$629) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed

Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to house the chlorine gas cylinders in a manner to protect them from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B), as documented during a record review conducted on March 16, 2009.
2. Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A), as documented during a record review conducted on March 16, 2009.
3. Failed to provide all potable water storage tanks, pressure maintenance facilities and wells with an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE §§ 290.43(e) and 290.41(c)(3)(O), as documented during a record review conducted on March 16, 2009.
4. Failed to calibrate the Facility's well meters at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during a record review conducted on March 16, 2009.
5. Failed to conduct an inspection of the interior of the Facility's pressure tanks every five years, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during a record review conducted on March 16, 2009.

6. Failed to compile, maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(B)(iii), as documented during a record review conducted on March 16, 2009.
7. Failed to compile and maintain a thorough plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(1), as documented during a record review conducted on March 16, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Deanville Water Supply Corporation, Docket No. 2009-0631-PWS-E " to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Make readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency, a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Provide a copy of the following Facility records: verification of ANSI/NSF Standard 60 for the chlorine gas used for disinfection and the sodium hypochlorite the Facility uses for disinfecting repairs, copies of the daily chlorine residual monitoring results, well meter readings for Well No. 1, and records of the maximum daily demand of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Compile and maintain a thorough plant operations manual for operator review and reference, including but not limited to, telephone numbers of local/state/federal

agencies to be contacted in the event of an emergency, in accordance with 30 TEX. ADMIN. CODE § 290.42.

- b. Within 90 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 2.c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;
 - ii. House the chlorine gas cylinders at Plant Nos. 1, 2 and 3 in a secure enclosure to protect them from adverse weather conditions and vandalism, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - iii. Provide all potable water storage tanks, pressure maintenance facilities and wells with an intruder-resistant fence with lockable gates and is at least 72 inches high and free of vegetation, including but not limited to the fencing at Plant Nos. 1, 3 and 4, in accordance with 30 TEX. ADMIN. CODE § 290.41, and 290.43;
 - iv. Calibrate the well meters at Well Nos. 3 and 4, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - v. Conduct an inspection of the interior of the Facility's pressure tanks at Plants Nos. 3 and 4, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. 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 Nos. 2.b.ii through 2.b.v. 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. 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. 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.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Broder
For the Executive Director

9/3/2009
Date

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

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

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

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

Marvin Laffere
Signature

July 15, 2009
Date

Marvin Laffere
Name (Printed or typed)
Authorized Representative of
Deanville Water Supply Corporation

President
Title

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