

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1279-PWS-E **TCEQ ID:** RN101199404 **CASE NO.:** 38119

RESPONDENT NAME: Beechwood 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: Beechwood WSC, located approximately five miles east of the intersection of State Highway 87 and Farm-to-Market Road 3315, Sabine 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 30, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Ben Powell, President, Beechwood Water Supply Corporation, HC 6, Box 763, Hemphill, Texas 75948 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 5, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 4, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide a purchase water contract that authorizes a maximum daily purchase rate, or a uniform purchase rate to meet a minimum alternate production capacity of 0.33 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(f)(4) and 290.45(g)].</p> <p>2) Failure to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>3) Failure to ensure that all water system electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE. § 290.46(v)].</p> <p>4) Failure to ensure the storage tank's inlet and outlet connections are properly located so as to prevent short-circuiting or the stagnation of water [30 TEX. ADMIN. CODE § 290.43(c)(5)].</p> <p>5) Failure to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].</p>	<p>Total Assessed: \$1,429</p> <p>Total Deferred: \$285 <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: \$1,144</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On July 8, 2009, repaired the leak on the 0.033 million gallon ("MG") storage tank;</p> <p>b. On July 8, 2009, installed the wiring in the pump room in accordance with a local or national electrical code;</p> <p>c. On August 3, 2009, provided copies of signed customer service agreements with the restrictions and terms as outlined in the customer service agreement found in 30 TEX. ADMIN. CODE § 290.47(b); and</p> <p>d. On August 3, 2009, provided a copy of the monthly operating report documenting the dates when the dead-end mains were flushed.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 90 days after the effective date of this Agreed Order, provide separate lines for the inlet and outlet line on the 0.033 MG storage tank and ensure that it is arranged in a manner to prevent short-circuiting and/or stagnation of the water;</p> <p>b. Within 105 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a;</p> <p>c. Within 365 days after the effective date of this Agreed Order, provide a water purchase contract or obtain water from a Commission approved source to meet the minimum alternative production capacity requirement of 0.33 gpm per connection; and</p> <p>d. Within 380 days after the effective date of this Agreed Order, submit written</p>

6) Failure to provide Facility records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(A)(iv)].		certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.
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Additional ID No(s): PWS 2020014



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	10-Aug-2009	Screening	10-Aug-2009	EPA Due	
	PCW	10-Aug-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Beechwood Water Supply Corporation
Reg. Ent. Ref. No.	RN101199404
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38119	No. of Violations	6
Docket No.	2009-1279-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		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** **\$1,470**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **2.0% Enhancement** **Subtotals 2, 3, & 7** **\$29**

Notes The penalty enhancement is due to one prior dissimilar Notice of Violation.

Culpability **No** **0.0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$154**

Economic Benefit **0.0% Enhancement*** **Subtotal 6** **\$0**

Total EB Amounts **\$136**
 Approx. Cost of Compliance **\$3,200**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$1,345**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$1,345**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,429**

DEFERRAL **20.0% Reduction** **Adjustment** **-\$285**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,144**

Screening Date 10-Aug-2009

Docket No. 2009-1279-PWS-E

PCW

Respondent Beechwood Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101199404

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one prior dissimilar Notice of Violation.

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

Screening Date 10-Aug-2009	Docket No. 2009-1279-PWS-E	PCW	
Respondent Beechwood Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 38119	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101199404			
Media [Statute] Public Water Supply			
Enf. Coordinator Epifanio Villarreal			
Violation Number 1			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(f)(4) and 290.45(g)		
Violation Description	Failed to provide a purchase water contract that authorizes a maximum daily purchase rate, or a uniform purchase rate to meet a minimum alternate production capacity of 0.33 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the system currently provides a production capacity of 66 gpm. Based on the number of connections and water supplied to another public water supply through a wholesale water contract, the system is required to provide an alternate production capacity of at least 162 gpm. Therefore, the system is 59% deficient.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual		
Potential	x		
Percent		25%	
>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
Percent		0%	
Matrix Notes	Without a sufficient water contract that authorizes enough production capacity, the Facility may experience water outages and backflow problems exposing customers to a significant amount of contaminants that exceed levels protective of human health.		
Adjustment		\$750	
		\$250	
Violation Events			
Number of Violation Events		3	
		66	
		Number of violation days	
<i>mark only one with an x</i>	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
Violation Base Penalty		\$750	
Three monthly events are recommended from the date of the investigation, June 5, 2009, to the date of screening, August 10, 2009.			
Good Faith Efforts to Comply			
0.0% Reduction		\$0	
Before NOV NOV to EDCRP/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		\$750	
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount	\$61	Violation Final Penalty Total \$765	
		This violation Final Assessed Penalty (adjusted for limits) \$765	

Economic Benefit Worksheet

Respondent: Beechwood Water Supply Corporation
Case ID No.: 38119
Reg. Ent. Reference No.: RN101199404
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$500	5-Jun-2009	1-Mar-2011	1.74	\$3	\$58	\$61
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 estimated amount to revise the water purchase contract to meet the alternative production capacity, calculated from the date of the investigation to 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	\$500	TOTAL	\$61
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Screening Date	10-Aug-2009	Docket No.	2009-1279-PWS-E	PCW	
Respondent	Beechwood Water Supply Corporation			<small>Policy Revision 2 (September 2002)</small>	
Case ID No.	38119			<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No.	RN101199404				
Media [Statute]	Public Water Supply				
Enf. Coordinator	Epifanio Villarreal				
Violation Number	2				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(4)				
Violation Description	Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically at the time of the investigation, it was documented that one of the 0.033 million gallon ("MG") storage tanks was leaking from the side of the tank and from a clamp on the line that connects to the tank.				
		Base Penalty	\$1,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Failure to maintain the Facility in a watertight condition could allow a significant amount of contaminants to enter the Facility which would not exceed levels protective of human health.				
		Adjustment	\$900		
			<input type="text" value="\$100"/>		
Violation Events					
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="33"/>	Number of violation days	
	<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
		weekly	<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 <input type="text" value="\$100"/>			
	One quarterly event is recommended from the date of the investigation, June 5, 2009, to the date of compliance, July 8, 2009.				
Good Faith Efforts to Comply		25.0% Reduction		\$25	
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>		
	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
	Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	N/A	<small>(mark with x)</small>			
	Notes	The Respondent achieved compliance on July 8, 2009.			
		Violation Subtotal	<input type="text" value="\$76"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test			
	Estimated EB Amount	<input type="text" value="\$8"/>	Violation Final Penalty Total	<input type="text" value="\$77"/>	
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$77"/>			

Economic Benefit Worksheet

Respondent: Beechwood Water Supply Corporation
Case ID No.: 38119
Reg. Ent. Reference No.: RN101199404
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	5-Jun-2009	8-Jul-2009	0.09	\$0	\$6	\$6
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 estimated amount to repair the leaks on the 0.033 MG storage tank, calculated from the date of the investigation to the 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	\$1,000	TOTAL	\$6
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Screening Date: 10-Aug-2009		Docket No.: 2009-1279-PWS-E		PCW
Respondent: Beechwood Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>	
Case ID No.: 38119			<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No.: RN101199404				
Media [Statute]: Public Water Supply				
Enf. Coordinator: Epifanio Villarreal				
Violation Number:	3			
Rule Cite(s):	30 Tex. Admin. Code § 290.46(v)			
Violation Description:	Failed to ensure that all water system electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the time of the investigation, it was documented that wiring in the pump room was not in conduit.			
Base Penalty:				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Release				
Actual				
Potential	x			Percent: 25%
>> Programmatic Matrix				
	Major	Moderate	Minor	
Falsification				
Actual				
Potential				Percent: 0%
Matrix Notes:	Failing to ensure all electrical wiring is installed in compliance with local or national code could cause equipment to malfunction, resulting in low pressure or outages which would expose customers of the facility to significant amounts of pollutants which would exceed levels that are protective of human health.			
Adjustment:				\$750
				\$250
Violation Events				
Number of Violation Events:		2	Number of violation days: 33	
<i>mark only one with an x</i>	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty:				\$500
Two monthly events are recommended from the date of the investigation, June 5, 2009, to the date of compliance, July 8, 2009.				
Good Faith Efforts to Comply		25.0% Reduction		\$125
	<i>Before NOV</i> <i>NOV to EDRP/Settlement Offer</i>			
Extraordinary				
Ordinary	x			
N/A			<i>(mark with x)</i>	
Notes:	The Respondent achieved compliance on July 8, 2009.			
Violation Subtotal:				\$375
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount:		\$3	Violation Final Penalty Total: \$385	
This violation Final Assessed Penalty (adjusted for limits):				\$385

Economic Benefit Worksheet

Respondent: Beechwood Water Supply Corporation
Case ID No.: 38119
Reg. Ent. Reference No.: RN101199404
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

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)	\$500	5-Jun-2009	8-Jul-2009	0.09	\$0	\$3	\$3
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 estimated amount to ensure the wiring in the pump room is installed in compliance with a local or national electric code, calculated from the date of the 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				0.00	\$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

\$500

TOTAL

\$3

Screening Date	10-Aug-2009	Docket No.	2009-1279-PWS-E	PCW
Respondent	Beechwood Water Supply Corporation		<small>Policy Revision 2 (September 2002)</small>	
Case ID No.	38119	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No.	RN101199404			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(5)			
Violation Description	Failed to ensure the storage tank's inlet and outlet connections are properly located so as to prevent short-circuiting or the stagnation of water. Specifically, at the time of the investigation, it was documented that one of the 0.033 MG storage tanks only had a single line for the inlet/outlet line. The tank should have separate lines for the inlet and outlet.			
Base Penalty				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent <input type="text" value="0%"/>
Matrix Notes	Failing to properly locate the storage tank's inlet and outlet connections, could result in short-circuiting or stagnant water which would cause customers of the water supply to be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.			
Adjustment				\$900
				<input type="text" value="\$100"/>
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="66"/>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
				Violation Base Penalty <input type="text" value="\$100"/>
One quarterly event is recommended from the date of the investigation, June 5, 2009, to the date of screening, August 10, 2009.				
Good Faith Efforts to Comply		0.0% Reduction	<input type="text" value="\$0"/>	
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				<input type="text" value="\$100"/>
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$63"/>	Violation Final Penalty Total	<input type="text" value="\$102"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$102"/>

Economic Benefit Worksheet

Respondent: Beechwood Water Supply Corporation
Case ID No.: 38119
Reg. Ent. Reference No.: RN101199404
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	\$1,000	5-Jun-2009	1-May-2010	0.90	\$3	\$60	\$63
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 The delayed cost includes the estimated amount to provide a proper inlet and outlet for the 0.033 MG storage tank, calculated from the date of the investigation to 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	\$1,000	TOTAL	\$63
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Screening Date	10-Aug-2009	Docket No.	2009-1279-PWS-E	PCW
Respondent	Beechwood Water Supply Corporation			Policy Revision 2 (September 2002)
Case ID No.	38119			PCW Revision October 30, 2008
Reg. Ent. Reference No.	RN101199404			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(l)			
Violation Description	Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, at the time of the investigation, it was documented that the signed contracts did not have the necessary restrictions and terms outlined in the customer service agreement found in 30 Tex. Admin. Code § 290.47(b).			
		Base Penalty	\$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"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="1%"/>
Matrix Notes	At least 70% of the rule requirement was met.			
		Adjustment	\$990	
			\$10	
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="59"/>
<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	<input checked="" type="checkbox"/>		
		One single event is recommended.		Violation Base Penalty <input type="text" value="\$10"/>
Good Faith Efforts to Comply				
		25.0% Reduction		<input type="text" value="\$2"/>
		Before NOV	NOV to EDRP/Settlement Offer	
	Extraordinary	<input type="text"/>	<input type="text"/>	
	Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>	
	N/A	(mark with x)		
Notes	The Respondent achieved compliance on August 3, 2009.			
		Violation Subtotal	<input type="text" value="\$8"/>	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	<input type="text" value="\$1"/>	Violation Final Penalty Total	<input type="text" value="\$8"/>
		This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$50"/>

Economic Benefit Worksheet

Respondent: Beechwood Water Supply Corporation
Case ID No.: 38119
Reg. Ent. Reference No.: RN101199404
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)	\$100	5-Jun-2009	3-Aug-2009	0.16	\$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 estimated amount to adopt an adequate plumbing ordinance or service agreement containing all the necessary restrictions and terms, calculated from the date of the investigation to the 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

\$1

Screening Date	10-Aug-2009	Docket No.	2009-1279-PWS-E	PCW	
Respondent	Beechwood Water Supply Corporation		<small>Policy Revision 2 (September 2002)</small>		
Case ID No.	38119	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No.	RN101199404				
Media [Statute]	Public Water Supply				
Enf. Coordinator	Epifanio Villarreal				
Violation Number	6				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2) and 290.46(f)(3)(A)(iv)				
Violation Description	Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, it was documented that the Facility's flushing records did not note the days of the months the lines were flushed.				
Base Penalty				\$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	
				0%	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				Percent	
				1%	
Matrix Notes	At least 70% of the rule requirement was met.				
Adjustment				\$990	
				\$10	
Violation Events					
Number of Violation Events		1	Number of violation days		
		59			
<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"/>			
One single event is recommended.				Violation Base Penalty	
				\$10	
Good Faith Efforts to Comply					
		25.0%	Reduction		
		Before NOV	NOV to EDRP/ Settlement Offer		
Extraordinary	<input type="text"/>				
Ordinary	<input checked="" type="checkbox"/>				
N/A	<input type="text"/>		<small>(mark with x)</small>		
Notes	The Respondent achieved compliance on August 3, 2009.				
Violation Subtotal				\$8	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		\$1	Violation Final Penalty Total		
				\$8	
This violation Final Assessed Penalty (adjusted for limits)				\$50	

Economic Benefit Worksheet

Respondent Beechwood Water Supply Corporation
Case ID No. 38119
Reg. Ent. Reference No. RN101199404
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	5-Jun-2009	3-Aug-2009	0.16	\$1	n/a	\$1
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 estimated amount to keep a record of the dates the dead-end mains are being flushed, calculated from the date of the investigation to the 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	\$1
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Compliance History Report

Customer/Respondent/Owner-Operator:	CN600644504 Beechwood WSC	Classification: AVERAGE	Rating: 0.40
Regulated Entity:	RN101199404 BEECHWOOD WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2020014
	WATER LICENSING	LICENSE	2020014
Location:	APPROX 5 MI EAST OF THE INTERSECTION OF SH 87 AND FM 3315, SABINE COUNTY, TEXAS		
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	August 10, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 10, 2004 to August 10, 2009		

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

Name: Epi Villarreal Phone: 361-825-3425

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/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)/operator(s) ? | <u>N/A</u> |
| 5. When did the change(s) in owner or operator occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/14/2005	(350126)
2	08/04/2009	(746905)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	02/14/2005	(350126)
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter F 290.121	
Description:	Failure to provide a chemical and microbiological monitoring plan.	
Classification:	Moderate	
- 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
BEECHWOOD WATER SUPPLY
CORPORATION
RN101199404

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1279-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 Beechwood 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 approximately five miles east of the intersection of State Highway 87 and Farm-to-Market Road 3315, Sabine County, Texas (the "Facility") that has approximately 491 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 August 9, 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 One Thousand Four Hundred Twenty-Nine Dollars (\$1,429) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand One Hundred Forty-Four Dollars (\$1,144) of the administrative penalty and Two Hundred Eighty-Five Dollars (\$285) is deferred

- contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On July 8, 2009, repaired the leak on the 0.033 million gallon ("MG") storage tank;
 - b. On July 8, 2009, installed the wiring in the pump room in accordance with a local or national electrical code;
 - c. On August 3, 2009, provided copies of signed customer service agreements with the restrictions and terms as outlined in the customer service agreement found in 30 TEX. ADMIN. CODE § 290.47(b); and
 - d. On August 3, 2009, provided a copy of the monthly operating report documenting the dates when the dead-end mains were flushed.
 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to provide a purchase water contract that authorizes a maximum daily purchase rate, or a uniform purchase rate to meet a minimum alternate production capacity of 0.33 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(4) and 290.45(g), as documented during an investigation conducted on June 5, 2009.

2. Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on June 5, 2009.
3. Failed to ensure that all water system electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE. § 290.46(v), as documented during an investigation conducted on June 5, 2009.
4. Failed to ensure the storage tank's inlet and outlet connections are properly located so as to prevent short-circuiting or the stagnation of water, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(5), as documented during an investigation conducted on June 5, 2009.
5. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i), as documented during an investigation conducted on June 5, 2009.
6. Failed to provide Facility records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(A)(iv), as documented during an investigation conducted on June 5, 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: Beechwood Water Supply Corporation, Docket No. 2009-1279-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 90 days after the effective date of this Agreed Order, provide separate lines for the inlet and outlet line on the 0.033 MG storage tank and ensure that it is arranged in a manner to prevent short-circuiting and/or stagnation of the water, in accordance with 30 TEX. ADMIN. CODE § 290.43.

- b. Within 105 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.d, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a
- c. Within 365 days after the effective date of this Agreed Order, provide a water purchase contract or obtain water from a Commission approved source to meet the minimum alternative production capacity requirement of 0.33 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- d. Within 380 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 2.c. 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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 Sullivan
For the Executive Director

11/2/2009
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.

Ben Powell
Signature

9-14-09
Date

BEN POWELL
Name (Printed or typed)
Authorized Representative of
Beechwood 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.