

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1028-PWS-E **TCEQ ID:** RN101205243 **CASE NO.:** 36086

RESPONDENT NAME: Delta County Municipal Utility District

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: Delta County MUD, located on State Highway 24, one half mile west of Cooper, Delta 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 December 22, 2008. 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; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Robert Douglas, President, Delta County Municipal Utility District, P.O. Box 63, Cooper, Texas 75432 Mr. Matt Ingram, Operator, Delta County Municipal Utility District, P.O. Box 63, Cooper, Texas 75432 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: April 30, 2008</p> <p>Date of NOV/NOE Relating to this Case: June 11, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide the water system's operating records for Commission review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(II), 290.46(f)(3)(A)(ii)(II), and 290.46(f)(3)(A)(iv)].</p> <p>2) Failure to provide an accurate, and up-to-date map of the distribution system, and an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE §§ 290.46(n)(2) and 290.121(a)].</p> <p>3) Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(a)(1)].</p> <p>4) Failure to certify that all chemicals and any additional or replacement process media used in treatment of water supplied by public water systems conform to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for direct additives and ANSI/NSF Standard 61 for indirect additives [30 TEX. ADMIN. CODE § 290.42(j)].</p> <p>5) Failure to provide an overflow cover that fits no more than a 1/16 inch gap on all ground storage tanks [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>6) Failure to ensure that pumps, motors,</p>	<p>Total Assessed: \$2,210</p> <p>Total Deferred: \$442 <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: \$1,768</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 as of August 1, 2008, the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Began maintaining all documents required for Commission review during inspections;</p> <p>b. Provided an accurate and up-to-date map of the distribution system that accurately represents the chemical and microbiological sampling locations within the distribution system, and any modifications and improvements that were made to the distribution system;</p> <p>c. Provided an up-to-date chemical and microbiological monitoring plan;</p> <p>d. Provided covers for the overflow pipes on the ground storage tanks at Charleston Plant Nos. 1 and 2 that fit tightly with no gap over 1/16 inch;</p> <p>e. Refurbished the service pumps at the Enloe Lake Plant to a non-deteriorated condition;</p> <p>f. Repaired the barbed wire on the fence at the Enloe Lake Plant; repaired the backside of the fence and removed brush growing through the fence at Charleston Plant No. 1; and removed the brush growing through the fence at Charleston Plant No. 2; and</p> <p>g. Provided a 16-mesh or finer corrosion resistant screen for the vents on the ground storage tanks at the Enloe Lake Plant and the Pecan Gap/Lone Star Plant.</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. Provide documentation that the lubricant used on the system's pressure tanks is NSF Standard 60 certified; and</p>

<p>valves, and other mechanical devices are maintained in good working condition [30 TEX. ADMIN. CODE § 290.46(m)(6)].</p> <p>7) Failure to ensure all potable water storage tanks and pressure maintenance facilities are installed in lockable buildings that are designed to prevent intruder access or enclosed by intruder-resistant fences with lockable gates [30 TEX. ADMIN. CODE §§ 290.43(e) and 290.46(m)].</p> <p>8) Failure to conduct annual inspections on the water system's elevated storage tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>9) Failure to conduct annual inspections on the water system's pressure tanks and interior inspections at least once every five years [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>10) Failure to equip all air compressor injector lines with filters or other devices to prevent compressor lubricants or other contaminants from entering the pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(3)].</p> <p>11) Failure to provide a 16-mesh or finer corrosion resistant screen for the vents on the ground storage tanks [30 TEX. ADMIN. CODE § 290.43(c)(1)].</p>		<p>ii. Conduct inspections of all the system's elevated storage tanks and pressure tanks, including but not limited to the annual inspection of the exterior of all the system's elevated storage tanks and pressure tanks, and the five year inspection on the interior of the system's pressure tanks.</p> <p>b. Within 60 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; and</p> <p>ii. Provide an inline filter on the air compressor injection line for the pressure tank at Charleston Plant No. 1.</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision b.ii;</p> <p>d. Within 180 days after the effective date of this Agreed Order, provide a total storage capacity of 200 gallons per connection at the Enloe Lake Plant; and</p> <p>e. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d.</p>
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Additional ID No(s): PWS ID No. 0600018



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

TCEQ

DATES	Assigned	17-Jun-2008	Screening	20-Jun-2008	EPA Due	
	PCW	20-Jun-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Delta County Municipal Utility District		
Reg. Ent. Ref. No.	RN101205243		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36086	No. of Violations	11
Docket No.	2008-1028-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeodur
		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	\$2,160
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	7.0% Enhancement	Subtotals 2, 3, & 7	\$151
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Notes: Enhancement due to one prior Notice of Violation ("NOV") with same or similar violations as the current enforcement action and one prior NOV with dissimilar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$101
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$3,027
 Approx. Cost of Compliance \$21,760
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,210
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$2,210
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,210
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DEFERRAL	20.0% Reduction	Adjustment	-\$442
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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	\$1,768
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PCW

Screening Date 20-Jun-2008

Docket No. 2008-1028-PWS-E

Respondent Delta County Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 36086

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN101205243

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	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

>> **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

Enhancement due to one prior Notice of Violation ("NOV") with same or similar violations as the current enforcement action and one prior NOV with dissimilar violations.

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

Screening Date 20-Jun-2008	Docket No. 2008-1028-PWS-E	PCW		
Respondent Delta County Municipal Utility District	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36086	<small>PCW Revision April 29, 2008</small>			
Reg. Ent. Reference No. RN101205243				
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 § 290.46(f)(3)(A)(i)(II), 290.46(f)(3)(A)(ii)(II), and 290.46(f)(3)(A)(iv)"/>			
Violation Description	<input type="text" value="Failed to provide the water system's operating records for Commission review during inspections. Specifically, at the time of the investigation, it was documented that the system does not maintain the following records: amount of each chemical used; amount of water treated each day; dates that the dead-end mains were flushed; and locations at which daily chlorine residual tests were taken."/>			
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	<input type="text" value="Less than 30% of the rule requirement was not met."/>			
				Adjustment <input type="text" value="\$990"/>
				<input type="text" value="\$10"/>
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="51"/>	Number of violation days
	<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$10"/>
		monthly	<input type="text"/>	
		quarterly	<input type="text"/>	
		semiannual	<input type="text"/>	
		annual	<input type="text"/>	
		single event	x	
	<input type="text" value="One single event is recommended."/>			
Good Faith Efforts to Comply				
		10.0% Reduction	<input type="text" value="\$1"/>	
		<small>Before NOV NOV to EDRP/Settlement Offer</small>		
	Extraordinary	<input type="text"/>	<input type="text"/>	
	Ordinary	<input type="text"/>	x	
	N/A	<input type="text"/>	<small>(mark with x)</small>	
	Notes	<input type="text" value="The Respondent achieved compliance on August 1, 2008."/>		
				Violation Subtotal <input type="text" value="\$9"/>
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="\$10"/>
				This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$10"/>

Economic Benefit Worksheet

Respondent: Delta County Municipal Utility District

Case ID No.: 36086

Reg. Ent. Reference No.: RN101205243

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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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	30-Apr-2008	1-Aug-2008	0.25	\$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 amount necessary to compile and begin maintaining monthly operating reports including but not limited to: recording the amount of each chemical used and the amount of water treated each day, documenting the dates the dead-end mains were flushed, and locations at which daily chlorine residual tests are taken. The date required is the investigation date. The final date is the compliance date.

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

\$1

Screening Date 20-Jun-2008 **Docket No.** 2008-1028-PWS-E **PCW**
Respondent Delta County Municipal Utility District *Policy Revision 2 (September 2002)*
Case ID No. 36086 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN101205243
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru
Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(n)(2) and 290.121(a)
Violation Description Failed to provide an accurate, and up-to-date map of the distribution system, and an up-to-date chemical and microbiological monitoring plan. Specifically, at the time of the investigation, it was documented that the bacteriological and chemical sampling locations were not specified on the distribution map and the distribution map does not include improvements to the system.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential				0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		X			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

Violation Subtotal \$100

Violation Events

Number of Violation Events: 2 51 Number of violation days
 mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$200

Two single events are recommended, based on one single event for the distribution map and one single event for the monitoring plan.

Good Faith Efforts to Comply 10.0% Reduction **\$20**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)
Notes	The Respondent achieved compliance on August 1, 2008.	

Violation Subtotal \$180

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

Estimated EB Amount \$9 **Violation Final Penalty Total** \$194
This violation Final Assessed Penalty (adjusted for limits) \$194

Economic Benefit Worksheet

Respondent Delta County Municipal Utility District

Case ID No. 36086

Reg. Ent. Reference No. RN101205243

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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	30-Apr-2008	1-Aug-2008	0.25	\$0	\$8	\$9
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 update the map of the distribution system to include the bacteriological and chemical sampling locations and improvements made to the system. The date required is the investigation date. The final date is the compliance date.

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

\$9

Screening Date 20-Jun-2008	Docket No. 2008-1028-PWS-E	PCW		
Respondent Delta County Municipal Utility District	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36086	<small>PCW Revision April 29, 2008</small>			
Reg. Ent. Reference No. RN101205243				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(ii) and Tex. Health & Safety Code § 341.0315(a)(1)			
Violation Description	Failed to provide a total storage capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that 193 connections serviced by the Enloe Lake facility require a total storage capacity of 38,600 gallons; however, the total ground storage capacity for the Facility is 30,000 gallons, a 22% deficiency.			
Base Penalty	\$1,000			
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	Potential	Percent	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10%	
>> Programmatic Matrix				
	Falsification	Major Moderate Minor		
	<input type="checkbox"/>	<input type="checkbox"/>	Percent	
	<input type="checkbox"/>	<input type="checkbox"/>	0%	
Matrix Notes	Failure to provide adequate storage capacity may result in an inadequate supply of water potentially exposing customers of the water supply to a significant amount of contaminants which would not exceed levels protective of human health.			
Adjustment	\$900			
			\$100	
Violation Events				
	Number of Violation Events	1	Number of violation days	
		51		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty	
	monthly	<input type="checkbox"/>		\$100
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
One quarterly event is recommended, calculated from the investigation date, April 30, 2008, to the screening date, June 20, 2008.				
Good Faith Efforts to Comply			\$0	
	0.0% Reduction			
	Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	(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	\$1,405	Violation Final Penalty Total	\$107	
This violation Final Assessed Penalty (adjusted for limits)			\$107	

Economic Benefit Worksheet

Respondent Delta County Municipal Utility District

Case ID No. 36086

Reg. Ent. Reference No. RN101205243

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$17,200	30-Apr-2008	30-Jun-2009	1.17	\$67	\$1,338	\$1,405
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 amount necessary to provide a total storage capacity of 200 gallons per connection at the Enloe Lake Plant. The date required is the investigation date. The final date is the estimated compliance date.

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 \$17,200

TOTAL: \$1,405

Screening Date 20-Jun-2008	Docket No. 2008-1028-PWS-E	PCW		
Respondent Delta County Municipal Utility District	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36086	<i>PCW Revision April 29, 2008</i>			
Reg. Ent. Reference No. RN101205243				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(j)			
Violation Description	Failed to use or provide certification that all chemicals and any additional or replacement process media used in treatment of water supplied by public water systems conform to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for direct additives and ANSI/NSF Standard 61 for indirect additives. Specifically, at the time of the investigation, it was documented that the oil used as a lubricant for the system's pressure tanks was Schaefer's Food Grade HTC Oil ISO 100, which is not NSF 60 certified.			
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Percent	5%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	0%	
Matrix Notes	Failure to use approved chemicals or media that meet ANSI/NSF standards could expose the water supply to an insignificant amount of contaminants which would not exceed levels protective of human health.			
Adjustment		\$950		
		\$50		
Violation Events				
Number of Violation Events		1	Number of violation days	
		51		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty	
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
One single event is recommended.			\$50	
Good Faith Efforts to Comply		0.0% Reduction		
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$50		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$1	Violation Final Penalty Total	
		\$54		
		This violation Final Assessed Penalty (adjusted for limits)		
		\$54		

Economic Benefit Worksheet

Respondent Delta County Municipal Utility District

Case ID No. 36086

Reg. Ent. Reference No. RN101205243

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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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10	30-Apr-2008	31-Jan-2009	0.76	\$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 use lubricant that is NSF 60 certified. The date required is the investigation date. The final date is the estimated compliance date.

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

Screening Date 20-Jun-2008 **Docket No.** 2008-1028-PWS-E **PCW**
Respondent Delta County Municipal Utility District *Policy Revision 2 (September 2002)*
Case ID No. 36086 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN101205243
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru
Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)
Violation Description Failed to provide an overflow cover that fits tightly with no gap over 1/16 inch on the ground storage tanks. Specifically, at the time of the investigation, it was documented that the gap on the covers of the overflow pipe on the two ground storage tanks at Charleston Plant No. 1 and the two ground storage tanks at Charleston Plant No. 2 exceeded 1/16 of an inch and that the hinges holding the covers were loose.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%
Failure to adhere to American Water Works Association standards could expose customers of the water supply system to significant amounts of pollutants which would not exceed levels that are protective of human health as a result of the violation.					

Adjustment \$900
\$100

Violation Events

Number of Violation Events: 4 51 Number of violation days
mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$400

Four quarterly events are recommended, based on one event for each tank, from the date of the investigation, April 30, 2008, to the screening date, June 20, 2008.

Good Faith Efforts to Comply 10.0% Reduction \$40

	10.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)
Notes	The Respondent achieved compliance on August 1, 2008.	

Violation Subtotal \$360

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

Estimated EB Amount \$1 Violation Final Penalty Total \$388
 This violation Final Assessed Penalty (adjusted for limits) \$388

Economic Benefit Worksheet

Respondent Delta County Municipal Utility District
Case ID No. 36086
Reg. Ent. Reference No. RN101205243
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
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$50	30-Apr-2008	1-Aug-2008	0.25	\$0	\$1	\$1
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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs
 The delayed cost includes the amount necessary to provide a tightly fitted, gravity-hinged and weighted overflow pipe cover with no more than a 1/16 inch gap on the ground storage tanks at Charleston Plant Nos. 1 and 2. The date required is the investigation date. The final date is the compliance date.

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	\$1
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Screening Date 20-Jun-2008		Docket No. 2008-1028-PWS-E		PCW	
Respondent Delta County Municipal Utility District			<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36086			<i>PCW Revision April 29, 2008</i>		
Reg. Ent. Reference No. RN101205243					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number		<input type="text" value="6"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.46(m)(6)"/>			
Violation Description		<input type="text" value="Failed to ensure the pumps, motors, and valves and other mechanical devices are maintained in good working condition. Specifically, at the time of the investigation, it was documented that the service pumps at the Enloe Lake Plant were severely rusted and need to be protected from further deterioration."/>			
Base Penalty				<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
				Percent <input type="text" value="5%"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	
Matrix Notes	<input type="text" value="Failing to properly maintain the service pumps in good working condition may compromise the integrity of the pumps which would eventually expose customers of the water system to an insignificant amount of contaminants which would not exceed levels that are protective of human health."/>				
Adjustment				<input type="text" value="\$950"/>	
				<input type="text" value="\$50"/>	
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="51"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>	<input type="text"/>		
	monthly	<input type="text"/>	<input type="text"/>		
	quarterly	<input type="text"/>	<input type="text"/>		
	semiannual	<input type="text"/>	<input type="text"/>		
	annual	<input type="text"/>	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>	<input type="text"/>		
				Violation Base Penalty	<input type="text" value="\$50"/>
<input type="text" value="One single event is recommended."/>					
Good Faith Efforts to Comply		<input type="text" value="10.0%"/> Reduction		<input type="text" value="\$5"/>	
		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 checked="" type="checkbox"/>		
N/A	<input type="text"/>	<i>(mark with x)</i>			
Notes	<input type="text" value="The Respondent achieved compliance on August 1, 2008."/>				
Violation Subtotal				<input type="text" value="\$45"/>	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$18"/>	Violation Final Penalty Total		
			<input type="text" value="\$49"/>		
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$49"/>		

Economic Benefit Worksheet

Respondent Delta County Municipal Utility District
Case ID No. 36086
Reg. Ent. Reference No. RN101205243
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	30-Apr-2008	1-Aug-2008	0.25	\$1	\$17	\$18
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 amount includes the cost necessary to rehabilitate the service pumps at the Enloe Lake Plant. The date required is the investigation date. The final date is 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

\$18

Screening Date 20-Jun-2008	Docket No. 2008-1028-PWS-E	PCW																														
Respondent Delta County Municipal Utility District		<small>Policy Revision 2 (September 2002)</small>																														
Case ID No. 36086		<small>PCW Revision April 29, 2008</small>																														
Reg. Ent. Reference No. RN101205243																																
Media [Statute] Public Water Supply																																
Enf. Coordinator Andrea Linson-Mgbeoduru																																
Violation Number	7																															
Rule Cite(s)	30 Tex. Admin. Code §§ 290.43(e) and 290.46(m)																															
Violation Description	Failed to ensure all potable water storage tanks and pressure maintenance facilities are installed in lockable buildings that are designed to prevent intruder access or enclosed by intruder-resistant fences with lockable gates. Specifically, at the time of the investigation, it was documented that the barbed wire on the fence at the Enloe Lake Plant was in need of repair and there was a gap in the corner the the fence that needs to be closed. The fence at Charleston Plant No. 1 has brush growing through it and the backside was in need of repair. Also, the fence at Charleston Plant No. 2 has brush growing through it.																															
	Base Penalty	\$1,000																														
>> Environmental, Property and Human Health Matrix																																
OR	Harm																															
	Release Major Moderate Minor																															
	Actual	Potential																														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:25%;"></td><td style="width:25%;"></td><td style="width:25%;"></td><td style="width:25%;"></td></tr> <tr><td></td><td></td><td></td><td style="text-align: center;">x</td></tr> </table>								x	Percent <input style="width:50px;" type="text" value="5%"/>																						
			x																													
>> Programmatic Matrix																																
	Falsification Major Moderate Minor																															
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:25%;"></td><td style="width:25%;"></td><td style="width:25%;"></td><td style="width:25%;"></td></tr> <tr><td></td><td></td><td></td><td></td></tr> </table>									Percent <input style="width:50px;" type="text" value="0%"/>																						
Matrix Notes	Failure to properly secure the elevated storage tanks with an intruder-resistant fence may allow persons to enter and vandalize the tanks compromising the systems ability to provide a safe and adequate water supply exposing customers to an insignificant amount of contaminants which would not exceed levels protective of human health.																															
	Adjustment	\$950																														
		\$50																														
Violation Events																																
	<input style="width:50px;" type="text" value="3"/>	<input style="width:50px;" type="text" value="51"/> Number of violation days																														
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:20%;">daily</td><td style="width:20%;"></td><td style="width:20%;"></td><td style="width:20%;"></td><td style="width:20%;"></td></tr> <tr><td>monthly</td><td></td><td></td><td></td><td></td></tr> <tr><td>quarterly</td><td></td><td></td><td></td><td></td></tr> <tr><td>semiannual</td><td></td><td></td><td></td><td></td></tr> <tr><td>annual</td><td></td><td></td><td></td><td></td></tr> <tr><td>single event</td><td></td><td></td><td></td><td style="text-align: center;">x</td></tr> </table>	daily					monthly					quarterly					semiannual					annual					single event				x	Violation Base Penalty <input style="width:100px;" type="text" value="\$150"/>
daily																																
monthly																																
quarterly																																
semiannual																																
annual																																
single event				x																												
	Three single events are recommended, one event for each location.																															
Good Faith Efforts to Comply																																
	<input style="width:50px;" type="text" value="10.0%"/> Reduction	\$15																														
	Before NOV NOV to EDPRP/Settlement Offer																															
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%;">Extraordinary</td><td style="width:50%;"></td></tr> <tr><td>Ordinary</td><td style="text-align: center;">x</td></tr> <tr><td>N/A</td><td style="text-align: center;">(mark with x)</td></tr> </table>	Extraordinary		Ordinary	x	N/A	(mark with x)																									
Extraordinary																																
Ordinary	x																															
N/A	(mark with x)																															
Notes	The Respondent achieved compliance on August 1, 2008.																															
	Violation Subtotal	\$135																														
Economic Benefit (EB) for this violation																																
	Statutory Limit Test																															
Estimated EB Amount	<input style="width:50px;" type="text" value="\$36"/>	Violation Final Penalty Total <input style="width:100px;" type="text" value="\$146"/>																														
	This violation Final Assessed Penalty (adjusted for limits)	<input style="width:100px;" type="text" value="\$146"/>																														

Economic Benefit Worksheet

Respondent Delta County Municipal Utility District

Case ID No. 36086

Reg. Ent. Reference No. RN101205243

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
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$2,000	30-Apr-2008	1-Aug-2008	0.25	\$2	\$34	\$36
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 amount necessary to repair the fences at the Enloe Lake Plant and Charleston Plant Nos. 1 and 2 so that they are intruder-resitant. The date required is the investigation date. The final date is the compliance date.

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

\$2,000

TOTAL

\$36

Screening Date 20-Jun-2008		Docket No. 2008-1028-PWS-E		PCW	
Respondent Delta County Municipal Utility District		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36086		<i>PCW Revision April 29, 2008</i>			
Reg. Ent. Reference No. RN101205243					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number		<input type="text" value="8"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.46(m)(1)(A)"/>			
Violation Description		<p>Failed to conduct annual inspections on the water system's elevated storage tanks. Specifically, at the time of the investigation, it was documented that the Respondent had not inspected the one elevated storage tank for Charleston Plant Nos. 1 and 2; and the elevated storage tank at the Pecan Gap/Lone Star Plant.</p>			
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"/>	x	<input type="text"/>	
				Percent <input type="text" value="10%"/>	
>> 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		<p>Failure to perform annual inspections of the storage tanks could result in non-detection of tank defects that could expose customers of the water supply to significant amounts of contaminants which would exceed levels that are protective of human health.</p>			
Adjustment				<input type="text" value="\$900"/>	
				<input type="text" value="\$100"/>	
Violation Events					
		<input type="text" value="2"/>	<input type="text" value="51"/>	Number of violation days	
mark only one with an x	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text" value="x"/>			
	single event	<input type="text"/>			
				Violation Base Penalty	<input type="text" value="\$200"/>
Two annual events are recommended, based on one annual event for each tank.					
Good Faith Efforts to Comply					
		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"/>	<input type="text" value="(mark with x)"/>			
Notes		<p>The Respondent does not meet the good faith criteria for this violation.</p>			
Violation Subtotal				<input type="text" value="\$200"/>	
Economic Benefit (EB) for this violation					
		Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$240"/>	Violation Final Penalty Total <input type="text" value="\$214"/>		
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$214"/>	

Economic Benefit Worksheet

Respondent Delta County Municipal Utility District

Case ID No. 36086

Reg. Ent. Reference No. RN101205243

Media Public Water Supply

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$200	30-Apr-2007	20-Jun-2008	1.14	\$11	\$228	\$240
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

The avoided costs include the amount to have the elevated storage tanks inspected. The date required is the 12 months preceding the investigation date. The final date is the screening date.

Approx. Cost of Compliance \$200

TOTAL \$240

Screening Date 20-Jun-2008	Docket No. 2008-1028-PWS-E	PCW		
Respondent Delta County Municipal Utility District	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36086	<i>PCW Revision April 29, 2008</i>			
Reg. Ent. Reference No. RN101205243				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(B)			
Violation Description	Failed to conduct annual inspections on the water system's pressure tanks. Specifically, at the time of the investigation, it was documented that the Respondent had not inspected the inside of the pressure tank at the Enloe Lake Plant and Charleston Plant No. 1.			
Base Penalty	\$1,000			
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent		25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent		0%
Matrix Notes	Failure to perform annual inspections of the pressure tanks could result in non-detection of tank defects that could expose customers of the water supply to significant amounts of contaminants which would exceed levels that are protective of human health.			
	Adjustment		\$750	
			\$250	
Violation Events				
	Number of Violation Events	2	51	Number of violation days
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	monthly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	annual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	single event	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Violation Base Penalty \$500			
Two annual events are recommended, based on one annual event for each pressure tank.				
Good Faith Efforts to Comply			0.0% Reduction \$0	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.			
			Violation Subtotal \$500	
Economic Benefit (EB) for this violation			Statutory Limit Test	
	Estimated EB Amount	\$1,301	Violation Final Penalty Total	\$535
			This violation Final Assessed Penalty (adjusted for limits) \$535	

Economic Benefit Worksheet

Respondent Delta County Municipal Utility District
Case ID No. 36086
Reg. Ent. Reference No. RN101205243
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$200	30-Apr-2003	20-Jun-2008	5.15	\$51	\$1,029	\$1,080
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)	\$200	30-Apr-2007	20-Jun-2008	2.06	\$21	\$200	\$221

Notes for AVOIDED costs

The avoided cost includes the amount necessary to perform annual inspections of the pressure tank at the Enloe Lake Plant and Charleston Plant No. 1, as well as to inspect the interior of the pressure tanks. The date required for the interior inspection of the pressure tanks is five years preceding the investigation date. The final date is the screening date. The date required is the 12 months preceding the investigation date. The final date is the screening date.

Approx. Cost of Compliance

\$400

TOTAL

\$1,301

Screening Date 20-Jun-2008 **Docket No.** 2008-1028-PWS-E **PCW**

Respondent Delta County Municipal Utility District *Policy Revision 2 (September 2002)*

Case ID No. 36086 *PCW Revision April 29, 2008*

Reg. Ent. Reference No. RN101205243

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 10

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

Violation Description Failed to equip all air compressor injector lines with filters or other devices to prevent compressor lubricants or other contaminants from entering the pressure tank. Specifically, at the time of the investigation, it was documented that the air compressor injection line for the pressure tank at Charleston Plant No. 1 did not have an inline filter.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failing to equip air injection lines with filters could expose customers of the water supply to lubricants and other significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 51 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, April 30, 2008, to the screening date, June 20, 2008.

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 \$3

Violation Final Penalty Total \$107

This violation Final Assessed Penalty (adjusted for limits) \$107

Economic Benefit Worksheet

Respondent Delta County Municipal Utility District

Case ID No. 36086

Reg. Ent. Reference No. RN101205243

Media Public Water Supply

Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$50	30-Apr-2008	28-Feb-2009	0.83	\$0	\$3	\$3
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 amount necessary to provide an inline filter for the air compressor injector line for the pressure tank at Charleston Plant No. 1. The date required is the investigation date. The final date is the estimated compliance date.

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

\$3

Screening Date 20-Jun-2008		Docket No. 2008-1028-PWS-E		PCW
Respondent Delta County Municipal Utility District				<small>Policy Revision 2 (September 2002)</small>
Case ID No. 38086				<small>PCW Revision April 29, 2008</small>
Reg. Ent. Reference No. RN101205243				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number	<input type="text" value="11"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.43(c)(1)"/>			
Violation Description	<input type="text" value="Failed to provide a 16-mesh or finer corrosion resistant screen for the vents on the ground storage tanks. Specifically, at the time of the investigation, it was documented that the screens on the ground storage tanks at the Enloe Lake Plant, and the Pecan Gap/Lone Star Plant were of a gauge larger than 16-mesh."/>			
			Base Penalty	<input type="text" value="\$1,000"/>
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Release	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Potential	<input type="text"/>	x	<input type="text"/>	
>> Programmatic Matrix				
	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 provide a 16-mesh or finer corrosion resistant screen on the ground storage tanks may allow dust, insects, and other significant amounts of contaminants to enter the water system which would not exceed levels that are 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="2"/>	Number of violation days	
		<input type="text" value="51"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x	Violation Base Penalty <input type="text" value="\$200"/>	
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<input type="text" value="Two quarterly events are recommended, based on one quarterly event for each site, calculated from the investigation date, April 30, 2008, to the screening date, June 20, 2008."/>				
Good Faith Efforts to Comply		<input type="text" value="10.0%"/>	Reduction	<input type="text" value="\$20"/>
		<small>Before NOV NOV to EDRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	x		
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	<input type="text" value="The Respondent achieved compliance on August 1, 2008."/>			
			Violation Subtotal	<input type="text" value="\$180"/>
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$2"/>	Violation Final Penalty Total	<input type="text" value="\$194"/>
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$194"/>	

Economic Benefit Worksheet

Respondent Delta County Municipal Utility District

Case ID No. 36086

Reg. Ent. Reference No. RN101205243

Media Public Water Supply

Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$100	30-Apr-2008	1-Aug-2008	0.25	\$0	\$2	\$2
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 amount necessary to provide a 16-mesh or finer corrosion resistant screen for the vent on the ground storage tanks. The date required is the investigation date. The final date is the compliance date.

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

\$2

Compliance History

Customer/Respondent/Owner-Operator:	CN600649438	Delta County Municipal Utility District	Classification: AVERAGE	Rating: 1.93
Regulated Entity:	RN101205243	DELTA COUNTY MUD	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	0600018
Location:	LOCATED ON STATE HIGHWAY 24, 0.5 MILES WEST OF COOPER, DELTA COUNTY, TX			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	June 17, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 17, 2003 to June 17, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Andrea Linson-Mgbeoduru	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? | No |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 06/23/2004 | (276151) |
| 2 | 10/31/2005 | (434114) |
| 3 | 06/10/2008 | (671580) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|-----------------|----------|
| Date: | 08/05/2005 | (403040) | |
| Self Report? | NO | Classification: | Major |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.44(d)
30 TAC Chapter 290, SubChapter D 290.46(r) | | |
| Description: | Failure to maintain a minimum of 35 psi throughout the water system's distribution along FM 895. | | |
| Self Report? | NO | Classification: | Major |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(d)(2) | | |
| Description: | Failure to maintain a chloramine residual of 0.5 mg/L (measured as total chlorine) throughout the distribution system. | | |
| Date: | 11/01/2005 | (434114) | |
| Self Report? | NO | Classification: | Major |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.44(h) | | |
| Description: | Failure to provide either an air-gap or a reduced-pressure principle backflow prevention assemblies at the Pecan Gap Wastewater Treatment Plant and at Brushy Creek Farms. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f) | | |
| Description: | Failure to compile and maintain Monthly Operating Reports to include daily water usage records. | | |

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)		
Description:	Failure to maintain and make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(t)		
Description:	Failure to have updated signs at the Charleston Plant and the Enloe Lake Creek Plant.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.121		
Description:	Failure to have available during the investigation, a Monitoring Plan for Charleston and Enloe Lake Creek.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(3)		
Description:	Failure to equip the air injection line on the compressor at Charleston's Hwy. 19 Plant (Plant #2) with a filter.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(f)		
Description:	Failure to secure a written contract, a signed document of specific terms, or a memorandum or letter of understanding between the purchaser (Delta County MUD) and wholesaler (Ben Franklin WSC) which authorizes the purchase of water at a rate sufficient to meet these requirements for Enloe Lake Creek.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.122(a)(5)		
Description:	Failure to submit a copy of the 07/26/2005 Boil Water Notice to the executive director (Drinking Water Bacti Program) within 10 days of its distribution.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(ii) 5A THSC Chapter 341, SubChapter A 341.0315(a)(1)		
Description:	Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include: a total storage capacity of 200 gallons per connection.		

F. Environmental audits.
N/A

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

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

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

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DELTA COUNTY MUNICIPAL
UTILITY DISTRICT
RN101205243

§
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§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1028-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 Delta County Municipal Utility District ("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 located on State Highway 24, one half mile west of Cooper, Delta County, Texas (the "Facility") that has approximately 955 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 June 16, 2008.
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 Two Thousand Two Hundred Ten Dollars (\$2,210) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Seven Hundred Sixty-Eight Dollars (\$1,768) of the administrative penalty and Four Hundred Forty-Two Dollars (\$442) 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 as of August 1, 2008, the Respondent has implemented the following corrective measures at the Facility:
 - a. Began maintaining all documents required for Commission review during inspections;
 - b. Provided an accurate and up-to-date map of the distribution system that accurately represents the chemical and microbiological sampling locations within the distribution system, and any modifications and improvements that were made to the distribution system;
 - c. Provided an up-to-date chemical and microbiological monitoring plan;
 - d. Provided covers for the overflow pipes on the ground storage tanks at Charleston Plant Nos. 1 and 2 that fit tightly with no gap over 1/16 inch;
 - e. Refurbished the service pumps at the Enloe Lake Plant to a non-deteriorated condition;
 - f. Repaired the barbed wire on the fence at the Enloe Lake Plant; repaired the backside of the fence and removed brush growing through the fence at Charleston Plant No. 1; and removed the brush growing through the fence at Charleston Plant No. 2; and
 - g. Provided a 16-mesh or finer corrosion resistant screen for the vents on the ground storage tanks at the Enloe Lake Plant and the Pecan Gap/Lone Star Plant.
 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 the water system's operating records for Commission review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(II), 290.46(f)(3)(A)(ii)(II), and 290.46(f)(3)(A)(iv), as documented during an investigation conducted on April 30, 2008.
2. Failed to provide an accurate, and up-to-date map of the distribution system, and an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE §§ 290.46(n)(2) and 290.121(a), as documented during an investigation conducted on April 30, 2008.
3. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(a)(1), as documented during an investigation conducted on April 30, 2008.
4. Failed to certify that all chemicals and any additional or replacement process media used in treatment of water supplied by public water systems conform to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for direct additives and ANSI/NSF Standard 61 for indirect additives, in violation of 30 TEX. ADMIN. CODE § 290.42(j), as documented during an investigation conducted on April 30, 2008.
5. Failed to provide an overflow cover that fits no more than a 1/16 inch gap on all ground storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on April 30, 2008.
6. Failed to ensure that pumps, motors, valves, and other mechanical devices are maintained in good working condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(6), as documented during an investigation conducted on April 30, 2008.
7. Failed to ensure all potable water storage tanks and pressure maintenance facilities are installed in lockable buildings that are designed to prevent intruder access or enclosed by intruder-resistant fences with lockable gates, in violation of 30 TEX. ADMIN. CODE §§ 290.43(e) and 290.46(m), as documented during an investigation conducted on April 30, 2008.
8. Failed to conduct annual inspections on the water system's elevated storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on April 30, 2008.
9. Failed to conduct annual inspections on the water system's pressure tanks and interior inspections at least once every five years, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on April 30, 2008.
10. Failed to equip all air compressor injector lines with filters or other devices to prevent compressor lubricants or other contaminants from entering the pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3), as documented during an investigation conducted on April 30, 2008.
11. Failed to provide a 16-mesh or finer corrosion resistant screen for the vents on the ground storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1), as documented during an investigation conducted on April 30, 2008.

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: Delta County Municipal Utility District, Docket No. 2008-1028-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. Provide documentation that the lubricant used on the system's pressure tanks is NSF Standard 60 certified, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - ii. Conduct inspections of all the system's elevated storage tanks and pressure tanks, including but not limited to the annual inspection of the exterior of all the system's elevated storage tanks and pressure tanks, and the five year inspection on the interior of the system's pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 60 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a; and
 - ii. Provide an inline filter on the air compressor injection line for the pressure tank at Charleston Plant No. 1, in accordance with 30 TEX. ADMIN. CODE § 290.43.
 - c. Within 75 days after the effective date of this Agreed Order, submit written certification as described in 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.b.ii.

- d. Within 180 days after the effective date of this Agreed Order, provide a total storage capacity of 200 gallons per connection at the Enloe Lake Plant, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- e. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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

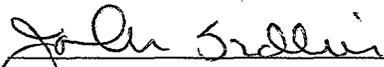
Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
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



For the Executive Director

12/29/2008
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.



Signature

10-2-08
Date

MATT Ingram
Name (Printed or typed)
Authorized Representative of
Delta County Municipal Utility District

Operator
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.

