

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1089-PWS-E **TCEQ ID:** RN101451524 **CASE NO.:** 36142

RESPONDENT NAME: Richland Special 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: Richland SUD, 300 Main Street, Richland Springs, San Saba 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 December 1, 2008. 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; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. William L. Harlow, President, Richland Special Utility District, P.O. Box 217, Richland Springs, Texas 76871 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 4, 2008</p> <p>Date of NOV/NOE Relating to this Case: June 17, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide two or more wells having a total well capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failure to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system [30 TEX. ADMIN. CODE § 290.109(c)(1)(A)].</p> <p>3) Failure to maintain a plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>4) Failure to properly cover the air release device on Well No. 1 with a 16-mesh or finer corrosion-resistant screen to preclude the possibility of submergence or entrance of contaminants [30 TEX. ADMIN. CODE § 290.41(c)(3)(Q)].</p> <p>5) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>6) Failure to post a legible sign at each production, treatment, and storage facility that contains the name of the water supply</p>	<p>Total Assessed: \$1,370</p> <p>Total Deferred: \$274 <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: \$1,096</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>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 28, 2008, submitted a copy of the plant operations manual;</p> <p>b. On July 28, 2008, screened the vent of the air release device for Well No.1;</p> <p>c. On July 28, 2008, removed the overgrown vegetation from the fence at Well No. 1 and the fence at the Standpipe Plant;</p> <p>d. On July 28, 2008, posted in plain view a legible sign at the Standpipe Plant containing the water supply name and emergency phone number;</p> <p>e. On July 28, 2008, repaired the ventilation fan for the chlorine storage; and</p> <p>f. On August 15, 2008, began collecting routine coliform samples at active service connections which are representative of water quality throughout the distribution system.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 240 days after the effective date of this Agreed Order, provide two or more wells having a total well capacity of 0.6 gpm per connection; and</p> <p>b. Within 255 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 a.</p>

<p>and emergency telephone numbers where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>7) Failure to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].</p>		
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Additional ID No(s): 0



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	23-Jun-2008	Screening	2-Jul-2008	EPA Due	
	PCW	2-Jul-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Richland Special Utility District
Reg. Ent. Ref. No.	RN101451524
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36142	No. of Violations	7
Docket No.	2008-1089-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	\$1,350
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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	10.0% Enhancement	Subtotals 2, 3, & 7	\$135
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Notes
The penalty enhancement is due to two prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action.

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	\$115
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,790	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,725	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,370
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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	\$1,370
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,370
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DEFERRAL	20.0% Reduction	Adjustment	-\$274
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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	\$1,096
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Screening Date: 2-Jul-2008

Docket No.: 2008-1089-PWS-E

PCW

Respondent: Richland Special Utility District

Policy Revision 2 (September 2002)

Case ID No.: 36142

PCW Revision June 12, 2008

Reg. Ent. Reference No.: RN101451524

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)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 10%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty enhancement is due to two prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date	2-Jul-2008	Docket No.	2008-1089-PWS-E	PCW
Respondent	Richland Special Utility District			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36142			<i>PCW Revision June 12, 2008</i>
Reg. Ent. Reference No.	RN101451524			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(i) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide two or more wells having a total well capacity of 0.6 gpm per connection. Specifically, at the time of the investigation, it was documented that the water system has 555 service connections and must provide a minimum well capacity of 333 gpm. However, only 268 gpm are currently provided, which is a 20% deficiency.			
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 checked="" type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>
	Failure to provide adequate well capacity may result in water shortages or outages which could expose customers to a significant amount of contaminants that would not exceed levels protective of human health.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One quarterly event is recommended from the date of the investigation, April 4, 2008, to the date of screening, July 2, 2008.

Good Faith Efforts to Comply 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"/>	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

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

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Richland Special Utility District
Case ID No.: 36142
Reg. Ent. Reference No.: RN101451524
Media: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$5,000	8-Jul-2004	1-Aug-2009	5.07	\$84	\$1,689	\$1,774
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the amount to provide two or more wells having a total well capacity of 0.6 gpm per connection, calculated from the date of the investigation initially documenting the violation 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 \$5,000 **TOTAL** \$1,774

Screening Date 2-Jul-2008	Docket No. 2008-1089-PWS-E	PCW
Respondent Richland Special Utility District		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 36142		<i>PCW Revision June 12, 2008</i>
Reg. Ent. Reference No. RN101451524		
Media [Statute] Public Water Supply		
Enf. Coordinator Epifanio Villarreal		
Violation Number 2		
Rule Cite(s)	30 Tex. Admin. Code § 290.109(c)(1)(A)	
Violation Description	Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. Specifically, at the time of the investigation, it was documented that the Respondent collects samples at its ground storage tanks rather than the active service connections.	
	Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification				
		Major	Moderate	Minor	
				Percent	
				0%	
Matrix Notes	Failure to collect bacteriological samples from active service locations could result in inaccurate data, which could prevent the system from ensuring a continuous and safe water supply and could expose customers of the water supply to a significant amount of bacteriological contamination which would not exceed levels that are protective of human health.				
	Adjustment			\$900	

\$100

Violation Events

Number of Violation Events 1		Number of violation days 69													
mark only one with an x <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		monthly		quarterly	x	semiannual		annual		single event			Violation Base Penalty	\$100
daily															
monthly															
quarterly	x														
semiannual															
annual															
single event															
One quarterly event is recommended from the date of the investigation, April 4, 2008, to the date of screening, July 2, 2008.															

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$100

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

Estimated EB Amount \$1	Violation Final Penalty Total \$110
This violation Final Assessed Penalty (adjusted for limits) \$110	

Economic Benefit Worksheet

Respondent: Richland Special Utility District
Case ID No.: 36142
Reg. Ent. Reference No.: RN101451524
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	4-Apr-2008	15-Aug-2008	0.36	\$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 costs include the amount to revise the site sampling plan to include only active service locations, 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

\$50

TOTAL

\$1

Screening Date 2-Jul-2008	Docket No. 2008-1089-PWS-E	PCW	
Respondent Richland Special Utility District		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36142		<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN101451524			
Media [Statute] Public Water Supply			
Enf. Coordinator Epifanio Villarreal			
Violation Number <input type="text" value="3"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(l)		
Violation Description	Failed to maintain a plant operations manual for operator review and reference.		
	Base Penalty	<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	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			
	Major	Moderate	Minor
	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.		
	Adjustment	<input type="text" value="\$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="69"/>	
<small>mark only one with an x</small>	daily <input type="text"/>	monthly <input type="text"/>	quarterly <input type="text"/>
	semiannual <input type="text"/>	annual <input type="text"/>	single event <input type="text" value="x"/>
		Violation Base Penalty	<input type="text" value="\$100"/>
	One single event is recommended.		
Good Faith Efforts to Comply		<input type="text" value="10.0%"/> Reduction	<input type="text" value="\$10"/>
	Extraordinary	Before NOV <input type="text"/>	NOV to EDPRP/Settlement Offer <input type="text"/>
	Ordinary	<input type="text"/>	<input type="text" value="x"/>
	N/A	(mark with x)	
Notes	The Respondent achieved compliance on July 28, 2008.		
	Violation Subtotal	<input type="text" value="\$90"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
	Estimated EB Amount	<input type="text" value="\$1,002"/>	Violation Final Penalty Total
			<input type="text" value="\$100"/>
	This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$100"/>

Economic Benefit Worksheet

Respondent: Richland Special Utility District
Case ID No.: 36142
Reg. Ent. Reference No.: RN101451524
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
<i>No commas or \$</i>							

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	4-Apr-2008	28-Jul-2208	200.45	\$1,002	n/a	\$1,002
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 required to compile and maintain a plant operations manual, 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	\$1,002
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Screening Date	2-Jul-2008	Docket No.	2008-1089-PWS-E	PCW
Respondent	Richland Special Utility District	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	36142	<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No.	RN101451524			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(Q)			
Violation Description	Failed to properly cover the air release device on Well No. 1 with a 16-mesh or finer corrosion-resistant screen to preclude the possibility of submergence or entrance of contaminants. Specifically, at the time of the investigation, it was documented that the air release device on Well No. 1 was not screened.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification			Percent
	Major	Moderate	Minor	
	Actual	Potential	Potential	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0%
Matrix Notes	Failing to properly cover the air release device could expose the system to a significant amount of contaminants which would not exceed levels that are protective of human health.			
Adjustment				\$900

\$100

Violation Events

Number of Violation Events	1	Number of violation days	69	Violation Base Penalty	\$100
<i>mark only one with an x</i>	daily	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input checked="" type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input type="checkbox"/>			

One quarterly event is recommended from the date of the investigation, April 4, 2008, to the date of screening, July 2, 2008.

Good Faith Efforts to Comply 10.0% Reduction **\$10**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N/A	(mark with x)	
Notes	The Respondent achieved compliance on July 28, 2008.	

Violation Subtotal \$90

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

Estimated EB Amount	\$1	Violation Final Penalty Total	\$100
This violation Final Assessed Penalty (adjusted for limits)		\$100	

Economic Benefit Worksheet

Respondent: Richland Special Utility District
Case ID No.: 36142
Reg. Ent. Reference No.: RN101451524
Media: Public Water Supply
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25	4-Apr-2008	28-Jul-2008	0.32	\$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 costs include the amount to properly cover the air release device on Well No. 1 with a 16-mesh or finer corrosion-resistant screen, 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

\$25

TOTAL

\$1

Screening Date	2-Jul-2008	Docket No.	2008-1089-PWS-E	PCW
Respondent	Richland Special Utility District			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36142			<i>PCW Revision June 12, 2008</i>
Reg. Ent. Reference No.	RN101451524			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)			
Violation Description	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was documented that the fence at Well No. 1 and the Standpipe Plant have brush, vines, and small trees growing through the fence.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes
 Failure to maintain the water system's grounds could result in customers of the water supply being exposed to insignificant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events	2	Number of violation days	69	
mark only one with an x	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		x	
Two single events are recommended (one event per site).				

Good Faith Efforts to Comply 10.0% Reduction **\$10**

		Before NOV	NOV to EDRP/Settlement Offer
Extraordinary			
Ordinary			x
N/A			(mark with x)
Notes	The Respondent achieved compliance on July 28, 2008.		
		Violation Subtotal	\$90

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

Estimated EB Amount	\$4	Violation Final Penalty Total	\$100
		This violation Final Assessed Penalty (adjusted for limits)	\$100

Economic Benefit Worksheet

Respondent: Richland Special Utility District

Case ID No.: 36142

Reg. Ent. Reference No.: RN101451524

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

Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	4-Apr-2008	28-Jul-2008	0.32	\$0	\$4	\$4
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 costs include the amount to initiate maintenance and good housekeeping practices at Well No. 1's fence and the Standpipe Plant's fence, 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

\$200

TOTAL

\$4

Screening Date 2-Jul-2008	Docket No. 2008-1089-PWS-E	PCW
Respondent Richland Special Utility District		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 36142		<small>PCW Revision June 12, 2008</small>
Reg. Ent. Reference No. RN101451524		
Media [Statute] Public Water Supply		
Enf. Coordinator Epifanio Villarreal		
Violation Number <input type="text" value="6"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(t)"/>	
Violation Description	Failed to post a legible sign at each production, treatment and storage facility that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted. Specifically, at the time of the investigation, it was documented that there was no ownership sign posted at the Standpipe Plant.	
	Base Penalty	<input type="text" value="\$1,000"/>
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
	Actual	<input type="text"/>
	Potential	<input type="text"/>
	Percent	<input type="text" value="0%"/>
>> Programmatic Matrix		
	Falsification	
	Major Moderate Minor	
	<input type="text"/>	<input type="text" value="x"/>
	<input type="text"/>	<input type="text"/>
	Percent	<input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>	
	Adjustment	<input type="text" value="\$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="69"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>
	Violation Base Penalty	<input type="text" value="\$100"/>
	<input type="text" value="One single event is recommended."/>	
Good Faith Efforts to Comply	10.0% Reduction	<input type="text" value="\$10"/>
	Before NOV NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text" value="(mark with x)"/>	
Notes	<input type="text" value="The Respondent achieved compliance on July 28, 2008."/>	
	Violation Subtotal	<input type="text" value="\$90"/>
Economic Benefit (EB) for this violation		
Estimated EB Amount	<input type="text" value="\$2"/>	Violation Final Penalty Total
		<input type="text" value="\$100"/>
	This violation Final Assessed Penalty (adjusted for limits)	
	<input type="text" value="\$100"/>	

Economic Benefit Worksheet

Respondent: Richland Special Utility District
Case ID No.: 36142
Reg. Ent. Reference No.: RN101451524
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
<small>No commas or \$</small>							

Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	4-Apr-2008	28-Jul-2008	0.32	\$0	\$2	\$2
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 to post a sign at the Standpipe Plant, 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	\$2
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Screening Date 2-Jul-2008	Docket No. 2008-1089-PWS-E	PCW	
Respondent Richland Special Utility District		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36142		<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN101451524			
Media [Statute] Public Water Supply			
Enf. Coordinator Epifanio Villarreal			
Violation Number 7			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(e)(4)(C)		
Violation Description	Failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed. Specifically, at the time of the investigation, it was documented that the ventilation fan for the chlorine storage enclosure at the Standpipe Plant was not operational.		
	Base Penalty	\$1,000	
>> Environmental, Property, and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual		
	Potential	X	Percent 25%
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
			Percent 0%
Matrix Notes	Failing to provide adequate ventilation could expose employees of the water system to significant amounts of chlorine gas that would exceed levels that are protective of human health.		
	Adjustment	\$750	
			\$250
Violation Events			
	3	69	Number of violation days
<small>mark only one with an x</small>	daily		
	monthly	X	
	quarterly		
	semiannual		
	annual		
	single event		
			Violation Base Penalty \$750
	Three monthly events are recommended from the date of the investigation, April 4, 2008, to the date of screening, July 2, 2008.		
Good Faith Efforts to Comply	10.0% Reduction		\$75
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		X	
N/A		(mark with x)	
Notes	The Respondent achieved compliance on July 28, 2008.		
	Violation Subtotal		\$675
Economic Benefit (EB) for this violation			
	Estimated EB Amount	\$6	Violation Final Penalty Total \$750
		This violation Final Assessed Penalty (adjusted for limits)	\$750

Economic Benefit Worksheet

Respondent: Richland Special Utility District
Case ID No.: 36142
Reg. Ent. Reference No.: RN101451524
Media: Public Water Supply
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$250	4-Apr-2008	28-Jul-2008	0.32	\$0	\$5	\$6
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 costs include the amount to repair or replace the ventilation fan at the Standpipe Plant, 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

\$250

TOTAL

\$6

Compliance History

Customer/Respondent/Owner-Operator:	CN600636237	Richland Special Utility District	Classification:	Rating:
Regulated Entity:	RN101451524	RICHLAND SUD	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		2060012
	WATER LICENSING	LICENSE		2060012
Location:	300 MAIN STREET, RICHLAND SPRINGS, SAN SABA COUNTY, TX			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	July 02, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 2, 2003 to July 2, 2008			

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

Name: Epi Villarreal Phone: (210) 403-4033

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | | |
|---|------------|----------|--|
| 1 | 08/11/2004 | (279109) | |
| 2 | 12/06/2004 | (293120) | |
| 3 | 12/23/2004 | (343246) | |
| 4 | 09/30/2005 | (405972) | |
| 5 | 06/20/2008 | (654660) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|--------------------------|
| Date: | 08/06/2004 | (279109) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i) | | |
| Description: | Failure to provide adequate well capacity. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m) | | |
| Description: | Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities and reduce costly repairs due to a lack of proper maintenance. | | |
| Date: | 08/29/2005 | (405972) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i) | | |
| Description: | Failure to provide adequate well capacity. | | |
- 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
RICHLAND SPECIAL UTILITY
DISTRICT
RN101451524**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2008-1089-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 Richland Special 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 at 300 Main Street in Richland Springs, San Saba County, Texas (the "Facility") that has approximately 555 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 22, 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 One Thousand Three Hundred Seventy Dollars (\$1,370) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Ninety-Six Dollars (\$1,096) of the administrative penalty and Two Hundred Seventy-Four Dollars (\$274) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed

- 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 28, 2008, submitted a copy of the plant operations manual;
 - b. On July 28, 2008, screened the vent of the air release device for Well No.1;
 - c. On July 28, 2008, removed the overgrown vegetation from the fence at Well No. 1 and the fence at the Standpipe Plant;
 - d. On July 28, 2008, posted in plain view a legible sign at the Standpipe Plant containing the water supply name and emergency phone number;
 - e. On July 28, 2008, repaired the ventilation fan for the chlorine storage; and
 - f. On August 15, 2008, began collecting routine coliform samples at active service connections which are representative of water quality throughout the distribution system.
 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 two or more wells having a total well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on April 4, 2008.
2. Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A), as documented during an investigation conducted on April 4, 2008.
3. Failed to maintain a plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on April 4, 2008.
4. Failed to properly cover the air release device on Well No. 1 with a 16-mesh or finer corrosion-resistant screen to preclude the possibility of submergence or entrance of contaminants, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(Q), as documented during an investigation conducted on April 4, 2008.
5. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on April 4, 2008.
6. Failed to post a legible sign at each production, treatment and storage facility that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t), as documented during an investigation conducted on April 4, 2008.
7. Failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C), as documented during an investigation conducted on April 4, 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: Richland Special Utility District, Docket No. 2008-1089-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 240 days after the effective date of this Agreed Order, provide two or more wells having a total well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - b. Within 255 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.a. 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This 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.

Richland Special Utility District
DOCKET NO. 2008-1089-PWS-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdelin
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.

Wm. L. Harlow
Signature

12-9-08
Date

William L. Harlow
Name (Printed or typed)
Authorized Representative of
Richland Special Utility District

President of Board
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.

