EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2008-1037-PWS-E TCEQ ID: RN101216257 CASE NO.: 16927 RESPONDENT NAME: Fort Gates Water Supply Corporation

ORDER TYPE:	,				
1660 AGREED ORDER	X_FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING			
findings default order	_SHUTDOWN ORDER	_IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER			
AMENDED ORDER	_EMERGENCY ORDER				
CASE TYPE:					
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE			
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION			
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL			
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION			
TYPE OF OPERATION: Public water sup SMALL BUSINESS: X Yes OTHER SIGNIFICANT MATTERS: Ther facility location.	ED: Fort Gates WSC, 1645 Farm-to-Market Road ply No e are no complaints. There is no record of additional the ED and the Respondent has expressed an inter-	al pending enforcement actions regarding this			
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on November 17, 200	8. No comments were received.			
CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-13, (361) 825-3425; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Amy Veazey, Registered Agent, Fort Gates Water Supply Corporation, 103 Gateway Circle, Gatesville, Texas 76528 Mr. Justin Veazey, Operator, Fort Gates Water Supply Corporation, 103 Gateway Circle, Gatesville, Texas 76528 Respondent's Attorney: Not represented by counsel on this enforcement matter					

RESPONDENT NAME: Fort Gates Water Supply Corporation

DOCKET NO.: 2008-1037-PWS-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED **Ordering Provisions:** Total Assessed: \$480 Type of Investigation: Complaint X Routine Total Deferred: \$0 The Order will require the Respondent to: ___ Enforcement Follow-up Expedited Settlement a. Within 30 days after the effective date of Records Review this Agreed Order: Financial Inability to Pay Date(s) of Complaints Relating to this Case: None SEP Conditional Offset: \$0 i. Provide an up-to-date distribution map showing all valves and cut-offs; Date of Investigation Relating to this Total Paid to General Revenue: \$480 Case: March 26, 2008 ii. Repair or replace the leaking pipe in the service pump room at the Main Plant; and Site Compliance History Classification Date of NOV/NOE Relating to this Case: High Average Poor iii. Begin compiling and maintain properly June 10, 2008 (NOE) completed monthly water works operation Person Compliance History Classification reports and maintenance records, including Background Facts: This was a routine ___ High ___ Average ___ Poor but not limited to: daily production investigation. records, annual tank inspection forms, Major Source: ___ Yes __X_ No completed customer service inspection WATER Applicable Penalty Policy: September 2002 reports, verification of American National Sanitation Institute/National Sanitation 1) Failure to provide an up-to-date Foundation Standard 60 certification for distribution map of the system [30 Tex. Findings Orders Justification: This is a calcium hypochlorite, disinfection residual ADMIN. CODE § 290.46(n)(2) and TCEQ Findings Order because the case involves a monitoring logs, monthly flushing records, Agreed Order Docket No. 2004-0925violation of a prior Agreed Order. When the PWS-E, Ordering Provision 2.a.ii.]. backflow prevention assembly test reports, Respondent failed to comply with the prior and plant operation manual. Agreed Order, the Respondent demonstrated an 2) Failure to maintain all treatment units, indifference to legal duty. b. Within 45 days after the effective date storage and pressure maintenance facilities, of this Agreed Order, submit written distribution system lines, and related certification and include supporting appurtenances in a watertight condition documentation including photographs, [30 Tex. Admin. Code § 290.46(m)(4)]. receipts, and/or other records to demonstrate compliance with Ordering 3) Failure to provide an intruder-resistant Provision a.; fence [30 Tex. ADMIN. CODE § 290.41(c)(3)(O)]. c. Within 60 days after the effective date of this Agreed Order, repair the fence at the 4) Failure to provide water system records Main Plant so that it is rendered intruderto Commission personnel at the time of the resistant; and investigation [30 Tex. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(iv), 290.46(f)(3)(B)(iii), 290.46(f)(3)(B)(vi), d. Within 75 days after the effective date of this Agreed Order, submit written 290.46(f)(3)(D)(ii), and certification and include detailed 290.46(f)(3)(E)(iv).]. supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.

Policy Revision 2 (Sep	•	Calculation Wo	orksheet (P	•	evision June 12, 2008
DATES Assigned PCW		ng 25-Jun-2008 EPA	Due 1-Jan-2009		
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No. Facility/Site Region	Fort Gates Water Supply RN101216257		lajor/Minor Source	Minor	
	2008-1037-PWS-E Public Water Supply	Govel		Findings Yés	12
	Pen	alty Calculation S	Section	· · · · · · · · · · · · · · · · · · ·	
TOTAL BASE PENAI	_TY (Sum of violation	base penalties)		Subtotal 1	\$400
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain Compliance Hist	ned by multiplying the Total Base	Penalty (Subtotal 1) by the indicat 20.0% Enhance	ted percentage. ment Subt o	otals 2, 3, & 7	\$80
Notes		nt is due to one prior agreed ontaining a denial of liability			
Culpability Notes	No The Respondent	0.0% Enhancer does not meet the culpabil		Subtotal 4	\$0
Good Faith Effor	t to Comply Total Adjust	ments ·		Subtotal 5	\$0
Economic Benef Approx.	Total EB Amounts \$80 Cost of Compliance \$1,200	0.0% Enhancem *Capped at the Tota		Subtotal 6	\$0
SUM OF SUBTOTAL	S 1-7		F	inal Subtotal	\$480
	S JUSTICE MAY REG		0.0%	Adjustment	\$0
Notes					
	1.47/2016/2-3-147/2016/40/2016/30/2016/30/2016/30/2016/30/2016/30/2016/30/2016/30/2016/30/2016/30/2016/30/2016		Final Per	nalty Amount	\$480
STATUTORY LIMIT A	ADJUSTMENT		Final Asse	ssed Penalty	\$480
DEFERRAL Reduces the Final Assessed Per	nalty by the indicted percentage.	Enter number only; e.g. 20 for 20	0.0% Reduction 8 reduction.)	Adjustment	\$0
Notes	No deferral is	recommended for Findings	Orders.		VARIANTALIANIA
PAYABLE PENALTY					\$480

		ing Date 25-Jun-2008 Docket No. 2008-1037-PWS-E			PCW
3		spondent Fort Gates Water Supply Corporation		evision 2 (Sept	
	9/460200000000000000000000000000000000000	se ID No. 16927	P	CW Revision J	·
Re	ZY	ence No. RN101216257		* # *	3.4
	BANCHARY SOUTHWAY STORMS SOON STORES	[Statute] Public Water Supply	*s*		
ar jirkan ala	Ent. Cod	ordinator Epifanio Villarreal		100	r faur n
		Compliance History Worksheet	4		
>> Con		y Site Enhancement (Subtotal 2)			
	Component		Enter Number Here	Adjust.	
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
	INOVS			00/	
		Other written NOVs Any agreed final enforcement orders containing a denial of liability (number of orders	0	0%	
•		meeting criteria)		20%	
	Orders	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		0%	
		emergency orders issued by the commission			
		Any non-adjudicated final court judgments or consent decrees containing a denial of liability	Description of Authority and Control of the		
	Judgments	of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court			
	Dedices	judgments or consent decrees without a denial of liability, of this state or the federal	0	0%	
		government			
		Any criminal convictions of this state or the federal government (number of counts) Chronic excessive emissions events (number of events)	0	0% 0%	
•	Emissions			076	
	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%	
		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%	
		Plea	se Enter Yes or No		
		Environmental management systems in place for one year or more	No	0%	
	Other	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 P	Percentage (Sเ	ıbtotal 2)	20%
>> Rer	eat Violator (Su	ibtotal 3)			
editali linerate				1.0.1	200
	N//	Adjustment P	ercentage (Si	ibtotai 3) [0%
>> Cor	npliance History	y Person Classification (Subtotal 7)			
	N/A	Adjustment P	ercentage (Su	ıbtotal 7) [0%
>> Cor	mpliance History	y Summary			
	Commiss				
	Compliance History Notes	The penalty enhancement is due to one prior agreed final enforcement order containing a de	enial of liability.		
	·	Total Adjustment Percentage	(Subtotals 2	2, 3, & 7)	20%

Screening Date	THE REAL PROPERTY OF THE PROPE	PCW
By D. B. (1977) [1971] B. C. B. C		Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.	·	CW Revision June 12, 2008
Media [Statute]		
Enf. Coordinator		
Violation Number	1 1	n
Rule Cite(s)	30 Tex. Admin. Code § 290.46(n)(2), and TCEQ Agreed Order Docket No. 2004-0925- PWS-E, Ordering Provision 2.a.ii	
Violation Description	Failed to provide an up-to-date distribution map of the system.	
	보고 생물수 있는 경우를 보고 있는 것이 되었다. 그는 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들이 되었다. 그는 것이 없는 것이 되었다. 	
		· ·
	Base Penalty	\$1,000
>> Environmental, Property an		
Release	Harm Major Moderate Minor	
OR Actual		
Potential	Percent 0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	Percent 10%	,
THE STATE OF THE S		
Matrix Notes	100% of the rule requirement was not met	- in
Broomer, as a stream control of the	THE PROPERTY OF THE STATE OF TH	- ,884
	Adjustment \$900	· mi-
		\$100
Violation Events		^
Violation Lyents		. Age.
Number of Vio	lation Events Number of violation days	
	daily	
	monthly	,
mark only one with an x	quarterly Violation Base Penalty	\$100
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	semiannual annual	
	single event XXXXX	
\$0000000000000000000000000000000000000		
	One single event is recommended.	
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	44.4 F-44.0
Estimated	EB Amount \$20 Violation Final Penalty Total	\$120
	This violation Final Assessed Penalty (adjusted for limits)	\$120
100	A CONTRACT SAME OF THE CONTRACT OF THE CONTRAC	2.70

Media	RN101216257 Public Water S	upply				Percent Interest	Years of
Violation No.	.1					5.0	Depreciation 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	I No commas or \$	and the second s				Amerika (Kasa (Ka) (Kasa (Kasa (Ka) (Kasa (Kasa (Kasa (Kasa (Kasa (Kasa (Ka) (Ka) (Ka) (Ka) (Ka) (Ka) (Ka) (Ka	LOCAL STATEMENT
Delayed Costs						***************************************	
Equipment				0.00	\$0	\$0	\$0
Buildings	(State of the state of the stat			0.00	\$0	\$0	\$0
Other (as needed)	12.5			0.00	\$0	\$0	\$0
Engineering/construction	Religious and Color			0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	n partin propries	Serve Starbilane, più la		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)	\$100	3-Mar-2005	1-Feb-2009	3.92	\$20	n/a	\$20
Notes for DELAYED costs	i system, calcula	ated nom the enech	date	of comp	liance. item (except for	2004-0925-PWS-E one-time avoided o	osts)
Avoided Costs	ANN	IUALIZE [1] avoide	u cosis perore (0.00	\$0		\$0
	ANN	IUALIZE [1] avoide		0.00	\$0 \$0	\$0	\$0 \$0
Avoided Costs Disposal	ANN	IUALIZE [1] avoide					
Avoided Costs Disposal Personnel	AND	IUALIZE [1] avoide		0.00	\$0	\$0	\$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	AND	IUALIZE [1] avoide		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN CONTROL OF THE C	IUALIZE [1] avoide		0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	AND	UALIZE [1] avoide		0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0

Screening Date 25-Jun-2008 Docket No. 2008-1037-PWS-E	PCW
(4.7) (2.3) (1.1) (1.3) (2.3) (1.3) (1.3) (1.3) (1.3) (1.3) (1.3) (1.3) (1.3) (1.3) (1.3) (1.3) (1.3) (1.3) (1.3)	Revision 2 (September 2002)
\$19a 115a 200 (10 a 10 a 20 a 20 a 20 a 20 a 20 a 20 a	PCW Revision June 12, 2008
Reg. Ent. Reference No., RN101216257 Media [Statute] Public Water Supply	
Enf. Coordinator Epifanio Villarreal	
Violation Number 2	
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)	
Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that there was a leaking pipe in the	
service pump room at the main plant.	
	<u>.</u>
Base Penalty	\$1,000
>> Environmental, Property and Human Health Matrix	•
Harm	
Release Major Moderate Minor	,
OR Actual	
Potential X Percent 10%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	1
Percent · 0%	
	1
Matrix Failure to maintain the water system in a watertight condition could allow a significant amount of	
Notes contaminants to enter the water system which would not exceed levels protective of human health.	
	4
Adjustment \$900	
	\$100
Violation Events	
Number of Violation Events 1 91 Number of violation days	1
daily	
monthly	£100
mark only one with an x semiannual Semiannual	\$100
annual	
single event	
	7
One quarterly event is recommended from the date of the investigation, March 26, 2008, to the date of	
screening, June 25, 2008.	
Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer	\$0
Extraordinary (Contract of the Contract of the	,
Ordinary	•
N/A (mark with x)	
The Respondent does not meet the good faith criteria for this	
Notes violation.	
Violation Subtotal	\$100
Economic Benefit (EB) for this violation Statutory Limit Test	\$600
Estimated EB Amount \$6 Violation Final Penalty Total	6455
Estimated EB Amount \$6 Violation Final Penalty Total	\$120
This violation Final Assessed Penalty (adjusted for limits)	\$120

Violation No.	Public Water S	upply				Percent Interest	Years of Depreciation
Violution (to		werd in			111111111111111111111111111111111111111	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	No commas or \$				and the second second second	alkalika kanan pendan kepapang post (- Lancerson out - March
Delayed Costs							
Equipment			ere kasar i zaproka sakarake	0.00	\$0,	\$0	\$0
Buildings				0.00	\$0	\$0.÷∷ ∮6	\$0
Other (as needed)	\$100	26-Mar-2008	1-Feb-2009	0.85	\$0	\$6	\$6
Engineering/construction	(100g) J. S.			0.00	\$0	\$0	\$0
Land	200000000000000000000000000000000000000			0.00	\$0	n/a	\$0
Record Keeping System	300 / ATK T X 1 70 00 A 100.			0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		SOURCE CONT.		0.00	\$0	n/a	\$0
Permit Costs	a year (1) - Pilipan Shiri Li Tiliya - Etiakkemin I			0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAVED costs	The delaye	d cost includes the	amount to repair	the leak,	calculated from th	e date of the investi	gation to the
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			estimated	entering 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			estimated	0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			estimated	date of	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			estimated	0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0

Screening Date 25	-Jun-2008		Docket No. 2	2008-1037-PWS-E	PCW
 The profession of the section of the s	rt Gates Water Supply Corpo	oration		Polic	y Revision 2 (September 2002)
Case ID No. 16					PCW Revision June 12, 2008
Reg. Ent. Reference No. RN Media [Statute] Pu					
Enf. Coordinator Ep					
Violation Number	3				
Rule Cite(s)		ov. Admin	Codo 6 200 41/4)/3)/O)	<u> </u>
	30 16	ex. Aurmin.	Code § 290.41(d	(3)(3)(O)	
Violation Description	vas documented that the fen	ce located arbed wire	at the Main Plan	at the time of the investigation, t was measured at 67 inches in nd had a large gap in a comer	1
				Base Pena	lty \$1,000
					-
>> Environmental, Property and I	Human Health Matrix Harm	4.6	10		
Release	Major Moderate	Minor		•	,
OR Actual			Ī	·	•
Potential	X	1.00] F	ercent 10%	
>>Programmatic Matrix Falsification	Major Moderate	Minor			
		CAST TO A]	ercent 0%	
			<u></u>		
Failing to provide	an intruder-resistant fence r	nay allow p	ersons to enter a	and vandalize the storage tank	S.
				quate water supply exposing	
Notes customers to a sig	nificant amount of pollutants	which wou health.	ild not exceed le	vels that are protective of huma	an i
		nealui.			
2.25			Ad	iustment \$9	00
					, (4) %
					\$100
Violation Events	383				9780 pt
Number of Violat	ion Events 1		91	umber of violation days	٠.
	1.9			•	
	daily monthly				
	quarterly x			Violation Base Pena	tv \$100
***	emiannual				-7 <u> </u>
	annual	,			
Sir	ngle event				
. One quarterly ev		e date of th		March 26, 2008, to the date of	
<u> </u>		# coop@cc.fo/aa.l			
Good Faith Efforts to Comply	0.0% Re	duction			\$0
·		V to EDPRP	/Settlement Offer		
Ext	raordinary	2100			
	Ordinary	- (S. 1845)			
	N/A x (ma	rk with x)			
	Notes The Responde	nt does no	A CONTROL SOCIAL MARKS OF PROPERTY.	faith criteria for this	
			violation.		
				Violation Subtot	al\$100
Economic Benefit (EB) for this vii			_	tatutory Limit Test	
Estimated El	3 Amount	\$33]	Violation Final Penalty Tot	al \$120
	Th	nis violatio	n Final Assess	ed Penalty (adjusted for limit	s) \$120
	CONTRACTOR	NAMES OF TAXABLE PARTY OF TAXABLE PARTY.			

		conomic E	3enefit W	orks	sheet		
		ter Supply Corporat	ion	Andrea (gen Sain), en in l	al (1 ann an 1966) a' an Iolaean an Iolaean Iolaean an Iolaean an Iolaean an Iolaean an Iolaean an Iolaean an Iolaean an Iolaean an	aana dii dii dii dadaa ah a	i i i i i i i i i i i i i i i i i i i
Case ID No.							
Reg. Ent. Reference No.	RN101216257						
Media	Public Water S	upply				Percent Interest	Years of
Violation No.	3					r ercent interest	Depreciation
						5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		aning a sama a sada a sada a sada a sada	den a a a balanca		antankan.	
Delayed Costs				.,,			
Equipment	SECTION CONTRA	la esta esta esta esta la		0.00	\$0	\$0	-,, \$ 0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	26-Mar-2008	1-Mar-2009	0.93	\$2	\$31	\$33
Engineering/construction	TECHNOLOGY, VI			0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	Market 1	Programme Committee Committee		0.00	\$0	nla	\$0
Remediation/Disposal	Karasa Jan I.	1,651,601,601,007,515,661		0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)			 Control of the Conference of the Co	7 000			
	The delayed					īv/ader it intruder-resista	\$0 ant, calculated
Notes for DELAYED costs Avoided Costs		from the dat	e of the investiga	e Main P tion to th	Plant's fence to ren e estimated date o item (except for	der it intruder-resist of compliance. one-time avoided o	ant, calculated
Notes for DELAYED costs Avoided Costs Disposal		from the dat	e of the investiga	e Main P tion to th entering	Plant's fence to ren e estimated date of item (except for \$0	der it intruder-resista of compliance. one-time avoided c	ant, calculated
Notes for DELAYED costs Avoided Costs Disposal Personnel		from the dat	e of the investiga	e Main P tion to th entering 0.00 0.00	Plant's fence to rene e estimated date of item (except for \$0 \$0	der it intruder-resista of compliance. one-time avoided c \$0 \$0	ant, calculated
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		from the dat	e of the investiga	e Main P tion to th entering 0.00 0.00 0.00	Plant's fence to rene e estimated date of the less of	der it intruder-resista of compliance. one-time avoided of \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		from the dat	e of the investiga	e Main P tion to th entering 0.00 0.00 0.00 0.00	Plant's fence to rene e estimated date of item (except for \$0 \$0 \$0 \$0	der it intruder-resistation of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) S0 S0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		from the dat	e of the investiga	e Main P tion to th entering 0.00 0.00 0.00 0.00 0.00	Plant's fence to rene e estimated date of term (except for \$0 \$0 \$0 \$0 \$0	der it intruder-resistation from pliance. one-time avoided complete some some some some some some some som	ant, calculated sosts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		from the dat	e of the investiga	e Main P tion to th entering 0.00 0.00 0.00 0.00	Plant's fence to rene e estimated date of item (except for \$0 \$0 \$0 \$0	der it intruder-resistation of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0
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Screening Date		Docket No. 2008-1	037-PWS-E	PCW
Lough Law Law できたいはあるとはなるを紹介されている。 できたいできた。	Fort Gates Water Supply C	orporation ·	Policy F	Revision 2 (September 2002)
Case ID No.			F	PCW Revision June 12, 2008
Reg. Ent. Reference No. Media [Statute]				
Enf. Coordinator			•	
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Co	de § 290.46(f)(2), 290.46(f)(3)(A)(iv),	290.46(f)(3)(B)(iii),	1
		(B)(vi), 290.46(f)(3)(D)(ii), and 290.46		
		system records to Commission person		
		, at the time of the investigation, the faily water production records, annual		
	completed customer service	e inspection reports, verification of Ar	nerican National Sanitation	
		n Foundation ("ANSI/NSF") Standard t residual monitoring logs, monthly flu		
•		sembly test reports, and a plant opera		
<u>.</u>		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	<u> </u>	<u>4</u>
			Base Penalty	\$1,000
>> Environmental, Property and	d Human Health Matr	ix		
	Harm			
Release Actual	Major Moderate	Minor		
Potential		Percen	nt 0%	
			0,01	
>>Programmatic Matrix		434(11))) (11))		
Falsification	Major Moderate	Minor Percen	nt 10%	
<u> </u>	<u> </u>	reicei	1078	
Matrix Notes	Greater than 70%	of the rule requirements were not me	t.	2.55
		Adjustm	ent \$900	!
				.95%
		•		·
Violation Events				lastica.
		ā (*
Number of Vic	plation Events 1	91 Numbe	r of violation days	
	daily			
	monthly			
mark only one with an x	quarterly		Violation Base Penalty	\$100
	semiannual annual			
	single event x			
		. ,		
	One sir	ngle event is recommended.		
	One on	gic event forceommented.		
Good Faith Efforts to Comply	0.0% Before NOV	Reduction NOV to EDPRP/Settlement Offer	2011	\$0
	Extraordinary			
	Ordinary			
	N/A x	(mark with x)		
	The Respo	endent does not meet the good faith c	riteria for this	
	Notes	violation.		. 1
	<u> </u>	<u> 1909 - A Comp. (1964), se 1905 - E April 60 (1965), (1968), (1966), (1966).</u>	ner gradus by 1997 beliefs (17), of 1500	
,			Violation Subtotal	\$100
Economic Benefit (EB) for this	violation	Statu	tory Limit Test	
Fetimated	I EB Amount	\$21 Vio	lation Final Penalty Total	\$120
Localitation			-	
		This violation Final Assessed Per	naity (adjusted for limits)	\$120

	E	conomic E	3enefit W	orks	heet	in is a managara.	
Case ID No.	16927	er Supply Corporat	ion	n programme de la companya de la co	n tara ji ji shi iyo afilika ka k	t de la composition de la conferencia d	a jednako ja jakonik Elikulija (j. k. j. jako ili eli
Reg. Ent. Reference No. Media Violation No.	Public Water St	upply				Percent Interest	Years of Depreciation
Violation No.	• • • • • • • • • • • • • • • • • • •					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					***	
	****	;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;		· · · · · · · · · · · · · · · · · · ·			
Delayed Costs		1		1			
Equipment	X 2 2 3 3 4 5 4 6	351.5459.91		0.00	\$0	\$0 80	\$0
Buildings		santas Pierkarita Kindi		0.00	\$0 \$0	\$0 \$0	50 SO
Other (as needed)	7.1.4.160, p. 11, 11, 11, 11, 11, 11, 11, 11, 11, 11			0.00	\$0	\$0 \$0	\$0 \$0
Engineering/construction	Later and the second	Commission of Commission Commission (Commission Commission Commiss		0.00	\$0 \$0	n/a	\$0 \$0
Land Record Keeping System	\$500	26-Mar-2008	1-Feb-2009	0.85	\$21	n/a	\$21
Record Reeping System Training/Sampling	\$300	20-IVIAI-2006	1-1-60-2009	0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0 \$0
Permit Costs		Fig. 1. 12 Grant Magazina (A. A.		0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	certification	for calcium hypochl	orite, disinfectant and a plant opera	residual ations ma	monitoring logs, r	ition of ANSI/NSF Si nonthly flushing repo rom the date of the i	rts, backflow
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	entering	item (except for	one-time avoided c	osts)
Disposa!			etatile di Side e ce e ce e della field. Le	0.00	\$0	\$ 0	\$0
Personnel	8300 K. 1101 F. F. F. T. T. F.		74.000000000000000000000000000000000000	0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	POWER V.			0.00	\$0	\$0	\$0
Supplies/equipment			700000000000000000000000000000000000000	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		\$21

Compliance History

Customer/Respondent/Owner-Operator:

CN600658629

Fort Gates Water Supply Corporation

Classification:

Rating:

Regulated Entity:

RN101216257

FORT GATES WSC

Classification:

Site Rating:

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY

REGISTRATION

0500017

LICENSE

0500017

Location:

1645 FARM-TO-MARKET ROAD 107, CORYELL COUNTY, TEXAS

TCEQ Region:

REGION 09 - WACO

WATER LICENSING

Date Compliance History Prepared:

June 24, 2008

Enforcement

Compliance Period:

June 24, 2003 to June 24, 2008

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

Agency Decision Requiring Compliance History:

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

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:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/03/2005

ADMINORDER 2004-0925-PWS-E

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to provide water system records that needed to be reviewed at the time of the

investigation.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.46(u) Description: Failure to test public water system wells.

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Failure to plug an abandoned well.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to provide a flow measuring device for each well.

Classification: Moderate

30 TAC Chapter 290, SubChapter D 290.44(d)(1)

Description: Failure to properly install air release devices in the distribution system.

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description: Failure to install backflow prevention assemblies or an air gap at all residences or establishments

where an actual or potential contamination hazard exists.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to provide an intruder-resistant fence in order to protect the well, pressure tanks, and

ground storage tanks.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2) Description: Failure to provide up-to-date distribution map.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to provide a sanitary easement at the time of this investigation.

Classification: Mino

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)

Description: Failure to provide a well casing eighteen inches above the ground surface.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L) Description: Failure to properly install the well blow-off line.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Failure to post a legible sign at the water plant.

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 06/25/2004 (273300)
 - 2 05/24/2006 (467

(467351)

3 06/10/2008

(638767)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- 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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
FORT GATES WATER SUPPLY	§	TEXAS COMMISSION ON
CORPORATION	§	
RN101216257	§	ENVIRONMENTAL QUALITY
· ·		

AGREED ORDER DOCKET NO. 2008-1037-PWS-E

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

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 1645 Farm-to-Market Road 107, Coryell County, Texas (the "Facility") that has approximately 947 service connections and serves at least 25 people per day for at least 60 days per year.



- 2. During an investigation conducted on March 26, 2008, TCEQ staff documented that the Respondent did not provide an up-to-date distribution map of the system.
- 3. During an investigation conducted on March 26, 2008, TCEQ staff documented that the Respondent did not maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that there was a leaking pipe in the service pump room at the Main Plant.
- 4. During an investigation conducted on March 26, 2008, TCEQ staff documented that the Respondent did not provide an intruder-resistant fence. Specifically, at the time of the investigation, it was documented that the fence located at the Main Plant was measured at 67 inches in height, had two strands of barbed wire in one section, and had a large gap in a corner section.
- 5. During an investigation conducted on March 26, 2008, TCEQ staff documented that the Respondent did not provide water system records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the following records were not available for review: daily water production records, annual tank inspection forms, completed customer service inspection reports, verification of American National Sanitation Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 certification for calcium hypochlorite, disinfectant residual monitoring logs, monthly flushing reports, backflow prevention assembly test reports and a plant operations manual.
- 6. The Respondent received notice of the violations on June 15, 2008.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide an up-to-date distribution map of the system, in violation of 30 Tex. ADMIN. CODE § 290.46(n)(2), and TCEQ Agreed Order Docket No. 2004-0925-PWS-E, Ordering Provision 2.a.ii.
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 Tex. ADMIN. CODE § 290.46(m)(4).
- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide an intruder-resistant fence, in violation of 30 Tex. ADMIN. CODE § 290.41(c)(3)(O).

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- As evidenced by Findings of Fact No. 5, the Respondent failed to provide water system records to Commission personnel at the time of the investigation, in violation of 30 Tex. ADMIN. Code § 290.46(f)(2), 290.46(f)(3)(A)(iv), 290.46(f)(3)(B)(iii), 290.46(f)(3)(B)(vi), 290.46(f)(3)(E)(iv).
- 6. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 7. An administrative penalty in the amount of Four Hundred Eighty Dollars (\$480) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Four Hundred Eighty Dollar (\$480) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Four Hundred Eighty Dollars (\$480) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Fort Gates Water Supply Corporation, Docket No. 2008-1037-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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Provide an up-to-date distribution map showing all valves and cut-offs, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Repair or replace the leaking pipe in the service pump room at the Main Plant, in accordance with 30 Tex. ADMIN. CODE § 290.46; and

- iii. Begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to: daily production records, annual tank inspection forms, completed customer service inspection reports, verification of ANSI/NSF Standard 60 certification for calcium hypochlorite, disinfection residual monitoring logs, monthly flushing records, backflow prevention assembly test reports, and plant operation manual in accordance with 30 Tex. ADMIN. Code § 290.46.
- b. Within 45 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.d. and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a.
- c. Within 60 days after the effective date of this Agreed Order, repair the fence at the Main Plant so that it is rendered intruder-resistant, in accordance with 30 Tex. ADMIN. CODE § 290, 41.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

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- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

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Fort Gates Water Supply Corporation DOCKET NO. 2008-1037-PWS-E Page 6

Fort Gates Water Supply Corporation

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Supply Corporation. I am authorized to Supply Corporation, and do agree to the	Date tand the attached Agreed Order in the matter of Fort Gates Water agree to the attached Agreed Order on behalf of Fort Gates Water a specified terms and conditions. I further acknowledge that the alty amount, is materially relying on such representation.
procedural rights, including, but not lim Agreed Order, notice of an evidentiary has I agree to the terms of the Agreed Order	greed Order, Fort Gates Water Supply Corporation waives certain ited to, the right to formal notice of violations addressed by this earing, the right to an evidentiary hearing, and the right to appeal in lieu of an evidentiary hearing. This Agreed Order constitutes assion of the violations set forth in this Agreed Order.
 timely pay the penalty amount, may result A negative impact on compliance Greater scrutiny of any permit appenalties, and/or attorney fees, on Increased penalties in any future Automatic referral to the Attornet TCEQ seeking other relief as automatic relief as automatic results. 	e history; pplications submitted; promey General's Office for contempt, injunctive relief, additional or to a collection agency; enforcement actions; ey General's Office of any future enforcement actions; and
Signature	8-21-28 Date
Justin Veazey Name (Printed or typed) Authorized Representative of	<u>operator</u> 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.

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