

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1497-MLM-E **TCEQ ID:** RN102597200 **CASE NO.:** 36527

RESPONDENT NAME: Minsa Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" 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 checked="" 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: Minsa Corporation, 1972 County Road 1068, approximately 1.5 miles southeast of Muleshoe, Bailey County</p> <p>TYPE OF OPERATION: Grain processing facility with a public water supply.</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 9, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. Teresa Fitz, Treasurer, Minsa Corporation, P.O. Box 484, Muleshoe, Texas 79347 Mr. Rodrigo Ariceaga, US Operations Director, Minsa Corporation, P.O. Box 484, Muleshoe, Texas 79347 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: August 13, 2008</p> <p>Date of NOV/NOE Relating to this Case: August 28, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4)].</p> <p>2) Failure to operate the Facility under the direct supervision of a water works operator with a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].</p> <p>3) Failure to properly seal the wellhead at Well Nos. 1, 2, and 5 with a gasket or sealing compound [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p>4) Failure to provide a sampling tap on the discharge pipe of the well pump at Well Nos. 3 and 4 [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</p> <p>5) Failure to provide a flow measuring device on Well Nos. 1, 2, 3, 4, and 5 to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>6) Failure to maintain an intruder-resistant fence surrounding the well site with gates that are locked when the Facility is unattended to exclude possible</p>	<p>Total Assessed: \$4,545</p> <p>Total Deferred: \$909 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$3,636</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>1) On September 15, 2008, provided documentation demonstrating that:</p> <p>a. The wellheads on Well Nos. 1, 2, and 5 were properly sealed with a gasket or sealing compound;</p> <p>b. The gate at Well No. 2 was repaired so that it would fully close and could be locked when unattended, and the barbed wire at the top of the fence surrounding Well No. 6 was properly installed; and</p> <p>c. A sampling tap was installed on the discharge pipe of the well pump at Well No. 3.</p> <p>2) On September 26, 2008, began operating the Facility under the direct supervision of a water works operator with a Class "D" license.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin maintaining a minimum disinfectant residual of 0.2 mg/L free chlorine throughout the distribution system at all times.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Repair the leaking air release valve on Well No. 5;</p> <p>ii. Create a record-keeping system to maintain the records of the annual inspections performed on the Facility's two pressure tanks; and</p> <p>iii. Develop and implement a Storm Water</p>

<p>contamination or damage to the facilities by trespassers [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>7) Failure to maintain the good working condition and general appearance of the water system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>8) Failure to maintain records of the annual inspections performed on the Facility's two pressure tanks [30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(ii)].</p> <p>9) Failure to provide proper backflow prevention at locations within the distribution system where actual or potential contamination hazards exist [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>10) Failure to obtain authorization for storm water discharges associated with an industrial activity under a Texas Pollutant Discharge Elimination System ("TPDES") Industrial Storm Water Multi-Sector General Permit [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(a)(ii)].</p>		<p>Pollution Prevention Plan and submit a Notice of Intent letter to comply with the Storm Water General Permit requirements.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a. and b.;</p> <p>ii. Install a sampling tap on the well discharge pipe at Well No. 4;</p> <p>iii. Install flow measuring devices on Well Nos. 1, 2, 3, 4, and 5 to measure production yields and provide for the accumulation of water production data; and</p> <p>iv. Install proper backflow prevention assemblies at all points within the distribution system where an actual or potential contamination hazard exists, including but not limited to the boilers located in pressure plane two.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.ii. through c.iv.</p>
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Additional ID No(s): PWS ID No. 0090019 and Storm Water Permit No. TXRNES667 (Expired)



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	2-Sep-2008	Screening	15-Sep-2008	EPA Due	
	PCW	17-Sep-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Minsa Corporation
Reg. Ent. Ref. No.	RN102597200
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36527	No. of Violations	9
Docket No.	2008-1497-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media	Water Quality	Enf. Coordinator	Rebecca Clausewitz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,360
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	7.0% Enhancement	Subtotals 2, 3, & 7	\$165
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Notes
An enhancement is due to one prior Notice of Violation (NOV) containing a violation that is the same as or similar to a violation in the current enforcement action and for one NOV containing dissimilar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$60
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$428
Approx. Cost of Compliance	\$8,700

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,465
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$2,465
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,465
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DEFERRAL	20.0% Reduction	Adjustment	-\$493
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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	\$1,972
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PCW

Screening Date 15-Sep-2008

Docket No. 2008-1497-MLM-E

Policy Revision 2 (September 2002)

Respondent Minsa Corporation

Case ID No. 36527

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102597200

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

An enhancement is due to one prior Notice of Violation (NOV) containing a violation that is the same as or similar to a violation in the current enforcement action and for one NOV containing dissimilar violations.

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

Screening Date 15-Sep-2008		Docket No. 2008-1497-MLM-E		PCW
Respondent Minsa Corporation		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36527		<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN102597200				
Media [Statute] Public Water Supply				
Enf. Coordinator Rebecca Clausewitz				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4)			
Violation Description	Failed to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, on the date of the investigation, the free chlorine residual was measured to be 0.13 mg/L at the sample tap on the discharge line of the 10,000 gallon pressure tank.			
Base Penalty				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
	Actual	Potential		Percent 10%
	Actual	Potential	x	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Actual	Potential	Actual	Potential
				Percent 0%
Matrix Notes	Failure to maintain the minimum free chlorine level throughout the distribution system could cause the employees of the Facility to be exposed 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	
		1		
<small>mark only one with an x</small>	daily	Actual	Potential	Violation Base Penalty \$100
	monthly	Actual	Potential	
	quarterly	Actual	Potential	
	semiannual	Actual	Potential	
	annual	Actual	Potential	
	single event	Actual	Potential	
One single event is recommended.				
Good Faith Efforts to Comply				
		0.0% Reduction		\$0
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	Actual	Potential	Actual	Potential
Ordinary	Actual	Potential	Actual	Potential
N/A	Actual	Potential	Actual	Potential
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$100
Economic Benefit (EB) for this violation				
Estimated EB Amount		\$89	Statutory Limit Test	
			Violation Final Penalty Total \$107	
This violation Final Assessed Penalty (adjusted for limits)				\$107

Economic Benefit Worksheet

Respondent Minsa Corporation
Case ID No. 36527
Reg. Ent. Reference No. RN102597200
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$2,000	13-Aug-2008	1-Apr-2009	0.63	\$4	\$84	\$89
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 install an additional disinfection system to the 10,000 gallon pressure tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

\$2,000

TOTAL

\$89

Screening Date 15-Sep-2008	Docket No. 2008-1497-MLM-E	PCW			
Respondent Minsa Corporation	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 36527	<small>PCW Revision June 12, 2008</small>				
Reg. Ent. Reference No. RN102597200					
Media [Statute] Public Water Supply					
Enf. Coordinator Rebecca Clausewitz					
Violation Number <input type="text" value="2"/>					
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)"/>				
Violation Description	<input type="text" value="Failed to operate the Facility under the direct supervision of a water works operator with a Class 'D' or higher license. Specifically, on the date of the investigation, the system was operated by an individual whose Class 'D' license expired on September 7, 2007."/>				
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"/>	Percent <input type="text" value="10%"/>	
Potential	<input type="text"/>	x	<input type="text"/>		
>> Programmatic Matrix					
			Falsification	Major	
			Moderate	Minor	
			<input type="text"/>	<input type="text"/>	
			<input type="text"/>	<input type="text"/>	
			<input type="text"/>	<input type="text"/>	
			<input type="text"/>	<input type="text"/>	
			<input type="text"/>	<input type="text"/>	
Matrix Notes			<input type="text" value="Failure to employ a licensed operator could result in ineffective operation of the Facility which could cause the employees of the Facility to be exposed to significant amounts of contaminants, which would not exceed levels that are protective of human health."/>		
			Adjustment	<input type="text" value="\$900"/>	
			<input type="text" value="\$100"/>		
Violation Events					
		Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="33"/>
<small>mark only one with an x</small>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
		Violation Base Penalty			<input type="text" value="\$100"/>
		<input type="text" value="One quarterly event is recommended, calculated from the date of the investigation, August 13, 2008, to the date of case screening, September 15, 2008."/>			
Good Faith Efforts to Comply		<input type="text" value="10.0%"/> Reduction		<input type="text" value="\$10"/>	
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>			
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	x			
N/A	<input type="text"/>	<small>(mark with x)</small>			
Notes		<input type="text" value="The Respondent achieved compliance with this violation on September 26, 2008."/>			
		Violation Subtotal			<input type="text" value="\$90"/>
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$0"/>	Violation Final Penalty Total		<input type="text" value="\$97"/>
		This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$97"/>

Economic Benefit Worksheet

Respondent Minsa Corporation
Case ID No. 36527
Reg. Ent. Reference No. RN102597200
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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

There is no economic benefit associated to this violation because the Respondent continued to employ the operator who had the expired license. Application and testing fees are the responsibility of the operator.

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

\$0

TOTAL

\$0

Screening Date 15-Sep-2008		Docket No. 2008-1497-MLM-E		PCW	
Respondent Minsa Corporation		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36527		<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN102597200					
Media [Statute] Public Water Supply					
Enf. Coordinator Rebecca Clausewitz					
Violation Number	3				
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(K)				
Violation Description	Failed to properly seal the wellheads at Well Nos. 1, 2, and 5 with a gasket or sealing compound.				
Base Penalty				\$1,000	
>> Environmental, Property and Human Health Matrix					
OR	Release			Harm	
		Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	x	<input type="checkbox"/>	
				Percent	10%
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent	0%
Matrix Notes	Failure to properly seal all wellheads could cause in the employees of the Facility to be exposed to significant amounts of contaminants that could enter the well, which would not exceed levels that are protective of human health.				
Adjustment				\$900	
					\$100
Violation Events					
Number of Violation Events		3		Number of violation days	
		33			
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		Violation Base Penalty \$300	
	monthly	<input type="checkbox"/>			
	quarterly	x			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input type="checkbox"/>			
Three quarterly events (one event per wellhead) are recommended, calculated from the date of the investigation, August 13, 2008, to the date of case screening, September 15, 2008.					
Good Faith Efforts to Comply					\$30
		10.0% Reduction			
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input type="checkbox"/>		x		
N/A	<input type="checkbox"/>		(mark with x)		
Notes	The Respondent provided documentation on September 15, 2008 demonstrating that the wellheads at Well Nos. 1, 2, and 5 had been properly sealed.				
Violation Subtotal				\$270	
Economic Benefit (EB) for this violation					Statutory Limit Test
Estimated EB Amount		\$1		Violation Final Penalty Total \$291	
				This violation Final Assessed Penalty (adjusted for limits) \$291	

Economic Benefit Worksheet

Respondent Minsa Corporation
Case ID No. 36527
Reg. Ent. Reference No. RN102597200
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	13-Aug-2008	15-Sep-2008	0.09	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to properly seal the wellheads at Well Nos. 1, 2, and 5, 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

\$150

TOTAL

\$1

Screening Date 15-Sep-2008 **Docket No.** 2008-1497-MLM-E **PCW**

Respondent Minsa Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36527 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102597200

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(M)

Violation Description Failed to provide a sampling tap on the well discharge pipe at Well Nos. 3 and 4.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent 25%
	Major	Moderate	Minor	
	Actual			
	Potential	x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0%

Matrix Notes Failure to have proper sampling taps on the well discharge pipes may allow contaminants from the raw water to go undetected which could cause the employees of the Facility to be exposed to significant amounts of contaminants, which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 4 **Number of violation days** 33

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

Four monthly events are recommended (two events per well), calculated from the date of the investigation, August 13, 2008, to the date of case screening, September 15, 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 \$1,000

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

Estimated EB Amount \$17 **Violation Final Penalty Total** \$1,070

This violation Final Assessed Penalty (adjusted for limits) \$1,070

Economic Benefit Worksheet

Respondent Minsa Corporation
Case ID No. 36527
Reg. Ent. Reference No. RN102597200
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	13-Aug-2008	31-May-2009	0.80	\$1	\$16	\$17
Engineering/construction	\$100	13-Aug-2008	15-Sep-2008	0.09	\$0	\$1	\$1
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 install sampling taps on Well Nos. 3 and 4. The cost for Well No. 3 is calculated from the date of the investigation to the date of compliance and the cost for Well No. 4 is calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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 \$400

TOTAL \$17

Screening Date 15-Sep-2008		Docket No. 2008-1497-MLM-E		PCW	
Respondent Minisa Corporation		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36527		<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN102597200					
Media [Statute] Public Water Supply					
Enf. Coordinator Rebecca Clausewitz					
Violation Number		5			
Rule Cite(s)		30 Tex. Admin. Code § 290.41(c)(3)(N)			
Violation Description		Failed to provide a flow measuring device on Well Nos. 1, 2, 3, 4, and 5 to measure production yields and provide for the accumulation of water production data.			
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 have flow measuring devices on the wells could result in inaccurate or unavailable well production data, which could impair the operator's ability to make the necessary production and usage calculations. This could cause the employees of the Facility to be exposed to an insignificant amount of contaminants, which would not exceed levels that are protective of human health.			
Adjustment				\$950	
				\$50	
Violation Events					
Number of Violation Events		5		Number of violation days 33	
<small>mark only one with an x</small>	daily			Violation Base Penalty \$250	
	monthly				
	quarterly				
	semiannual				
	annual				
single event		x			
Five single events are recommended.					
Good Faith Efforts to Comply		0.0% Reduction		\$0	
		<small>Before NOV</small>	<small>NOV to EDP RP/Settlement Offer</small>		
Extraordinary					
Ordinary					
N/A		x	<small>(mark with x)</small>		
Notes		The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$250	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		\$140	Violation Final Penalty Total	\$268	
This violation Final Assessed Penalty (adjusted for limits)				\$268	

Economic Benefit Worksheet

Respondent Minsa Corporation
Case ID No. 36527
Reg. Ent. Reference No. RN102597200
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	13-Aug-2008	31-May-2009	0.80	\$7	\$133	\$140
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 install flow measuring devices on Well Nos. 1, 2, 3, 4, and 5, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

\$2,500

TOTAL

\$140

Screening Date 15-Sep-2008	Docket No. 2008-1497-MLM-E	PCW													
Respondent Minsa Corporation		<small>Policy Revision 2 (September 2002)</small>													
Case ID No. 36527		<small>PCW Revision June 12, 2008</small>													
Reg. Ent. Reference No. RN102597200															
Media [Statute] Public Water Supply															
Enf. Coordinator Rebecca Clausewitz															
Violation Number <input type="text" value="6"/>															
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.41(c)(3)(O)"/>														
Violation Description	Failed to maintain an intruder-resistant fence surrounding the well site with gates that are locked when the Facility is unattended to exclude possible contamination or damage to the facilities by trespassers. Specifically, on the date of the investigation, the barbed wire at the top of the fence surrounding Well No. 6 was missing and the gate at Well No. 2 could not completely close, and thus be locked when unattended.														
	Base Penalty	<input type="text" value="\$1,000"/>													
>> Environmental, Property and Human Health Matrix															
OR	Release	Harm													
		Major Moderate Minor													
	Actual	<input type="text"/>	<input type="text"/>												
	Potential	<input type="text" value="x"/>	<input type="text"/>												
		Percent	<input type="text" value="10%"/>												
>> Programmatic Matrix															
	Falsification	Major	Moderate												
	<input type="text"/>	<input type="text"/>	<input type="text"/>												
		Percent	<input type="text" value="0%"/>												
Matrix Notes	Failure to maintain the well sites such that they are intruder-resistant could result in damage or contamination to the well which could cause the employees of the Facility to be exposed to significant amounts of contaminants, which would not exceed levels that are protective of human health.														
	Adjustment	<input type="text" value="\$900"/>													
		<input type="text" value="\$100"/>													
Violation Events															
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days												
		<input type="text" value="33"/>													
<small>mark only one with an x</small>	<table style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="text" value="x"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text" value="x"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$200"/>
daily	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input type="text" value="x"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	<input type="text"/>														
	Two quarterly events (one event per well site) are recommended, calculated from the date of the investigation, August 13, 2008, to the date of case screening, September 15, 2008.														
Good Faith Efforts to Comply															
	10.0%	Reduction	<input type="text" value="\$20"/>												
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>													
Extraordinary	<input type="text"/>	<input type="text"/>													
Ordinary	<input type="text"/>	<input type="text" value="x"/>													
N/A	<input type="text"/>	<small>(mark with x)</small>													
Notes	The Respondent provided documentation on September 15, 2008 demonstrating that the fence at Well No. 6 and the gate at Well No. 2 had been repaired.														
	Violation Subtotal	<input type="text" value="\$180"/>													
Economic Benefit (EB) for this violation															
	Estimated EB Amount	<input type="text" value="\$3"/>	Violation Final Penalty Total												
			<input type="text" value="\$194"/>												
	This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$194"/>												

Economic Benefit Worksheet

Respondent Minsa Corporation
Case ID No. 36527
Reg. Ent. Reference No. RN102597200
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$400	13-Aug-2008	15-Sep-2008	0.09	\$0	\$2	\$3
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to repair the fence around Well No. 6 and the gate at Well No. 2, 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

\$400

TOTAL

\$3

Screening Date 15-Sep-2008		Docket No. 2008-1497-MLM-E		PCW	
Respondent Minsa Corporation				<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36527				<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN102597200					
Media [Statute] Public Water Supply					
Enf. Coordinator Rebecca Clausewitz					
Violation Number	<input type="text" value="7"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(m)"/>				
Violation Description	<input type="text" value="Failed to maintain the good working condition and general appearance of the water system's facilities and equipment. Specifically, on the date of the investigation, a leaking air release valve was observed at Well No. 5."/>				
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"/>	Percent <input type="text" value="10%"/>	
Potential	<input type="text"/>	x	<input type="text"/>		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Failure to maintain the air release valve on Well No. 5 could result in exposure of the employees of the Facility to significant amounts of contaminants, which would not exceed levels that are protective of human health."/>				
Adjustment				<input type="text" value="\$900"/>	
				<input type="text" value="\$100"/>	
Violation Events					
	<input type="text" value="1"/>	<input type="text" value="33"/>	Number of violation days		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>		
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<input type="text" value="One quarterly event is recommended, calculated from the date of the investigation, August 13, 2008, to the date of case screening, September 15, 2008."/>					
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction		
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	x	(mark with x)			
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>				
Violation Subtotal				<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$10"/>		Violation Final Penalty Total	<input type="text" value="\$107"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$107"/>	

Economic Benefit Worksheet

Respondent Minsa Corporation
Case ID No. 36527
Reg. Ent. Reference No. RN102597200
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	13-Aug-2008	30-Apr-2009	0.71	\$0	\$9	\$10
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 repair the air release valve on Well No. 5, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$10

<p>Screening Date 15-Sep-2008</p> <p>Respondent Minsa Corporation</p> <p>Case ID No. 36527</p> <p>Reg. Ent. Reference No. RN102597200</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Rebecca Clausewitz</p> <p>Violation Number <input type="text" value="8"/></p> <p>Rule Cite(s)</p>	<p>Docket No. 2008-1497-MLM-E</p> <p style="text-align: right;">PCW</p> <p style="text-align: right;"><small>Policy Revision 2 (September 2002)</small></p> <p style="text-align: right;"><small>PCW Revision June 12, 2008</small></p>																			
<p>Violation Description Failed to maintain records of the annual inspections performed on the Facility's two pressure tanks.</p>																				
<p>Base Penalty <input type="text" value="\$1,000"/></p>																				
<p>>> Environmental, Property and Human Health Matrix</p>																				
<p>OR</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="4" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>	Harm					Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
Harm																				
Release	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
<p>>> Programmatic Matrix</p>																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="4" style="text-align: center;">Falsification</td> <td></td> </tr> <tr> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text" value="x"/></td> <td style="text-align: center;"><input type="text"/></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="1%"/></td> </tr> <tr> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>	Falsification					Major	Moderate	Minor			<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	Percent <input type="text" value="1%"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Falsification																				
Major	Moderate	Minor																		
<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	Percent <input type="text" value="1%"/>																
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
<p>Matrix Notes</p>	<p>Less than 30% of the rule requirement was not met.</p>																			
<p>Adjustment <input type="text" value="\$990"/></p>																				
<p><input type="text" value="\$10"/></p>																				
<p>Violation Events</p>																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><input type="text" value="1"/></td> <td style="text-align: center;"><input type="text" value="33"/></td> <td>Number of violation days</td> </tr> </table>	<input type="text" value="1"/>	<input type="text" value="33"/>	Number of violation days																
<input type="text" value="1"/>	<input type="text" value="33"/>	Number of violation days																		
<p>mark only one with an x</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;"><input type="text" value="x"/></td> </tr> </table>	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"/>							
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"/>																			
<p>Violation Base Penalty <input type="text" value="\$10"/></p>																				
<p style="text-align: center;">One single event is recommended.</p>																				
<p>Good Faith Efforts to Comply</p>																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">0.0% Reduction</td> </tr> <tr> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;"><input type="text" value="x"/> (mark with x)</td> </tr> </table>	0.0% Reduction		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="text"/>	Ordinary	<input type="text"/>	N/A	<input type="text" value="x"/> (mark with x)									
0.0% Reduction																				
Before NOV	NOV to EDPRP/Settlement Offer																			
Extraordinary	<input type="text"/>																			
Ordinary	<input type="text"/>																			
N/A	<input type="text" value="x"/> (mark with x)																			
<p>Notes</p>	<p>The Respondent does not meet the good faith criteria for this violation.</p>																			
<p>Violation Subtotal <input type="text" value="\$10"/></p>																				
<p>Economic Benefit (EB) for this violation Statutory Limit Test</p>																				
<p>Estimated EB Amount <input type="text" value="\$2"/></p>	<p>Violation Final Penalty Total <input type="text" value="\$11"/></p>																			
<p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$11"/></p>																				

Economic Benefit Worksheet

Respondent: Minsa Corporation
Case ID No.: 36527
Reg. Ent. Reference No.: RN102597200
Media: Public Water Supply
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	13-Aug-2008	30-Apr-2009	0.71	\$2	n/a	\$2
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 create and begin maintaining a record-keeping system for the annual pressure tank inspection records, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$2

Screening Date 15-Sep-2008		Docket No. 2008-1497-MLM-E		PCW
Respondent Minsa Corporation		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36527		<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN102597200				
Media [Statute] Public Water Supply				
Enf. Coordinator Rebecca Clausewitz				
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 290.44(h)(1)(A)			
Violation Description	Failed to provide proper backflow prevention at locations within the distribution system where actual or potential contamination hazards exist. Specifically, three boilers in pressure plane two, which are equipped with water softener units that inject chemicals into them to prevent scale build up, must be equipped with either reduced pressure principle backflow prevention assemblies (RPBAs) or air gaps. At the time of the investigation, it was noted that the boilers do not have the proper type of backflow prevention installed because the devices installed are neither RPBAs nor air gaps.			
Base Penalty				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent 10%
>> Programmatic Matrix				
Falsification				
Major				
Moderate				
Minor				
				Percent 0%
Matrix Notes	Without proper backflow prevention assemblies installed at all potential points of contamination, the employees of the water system could become exposed to significant amounts of contaminants, which would not exceed levels that are protective of human health.			
Adjustment				\$900
				\$100
Violation Events				
Number of Violation Events		3	Number of violation days	
		33		
<i>mark only one with an x</i>	daily			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
				Violation Base Penalty \$300
Three quarterly events are recommended (one event per boiler), calculated from the date of the investigation, August 13, 2008, to the date of case screening, September 15, 2008.				
Good Faith Efforts to Comply				
		0.0% Reduction		\$0
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$300
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount		\$167	Violation Final Penalty Total \$321	
This violation Final Assessed Penalty (adjusted for limits)				\$321

Economic Benefit Worksheet

Respondent: Minsa Corporation
Case ID No.: 36527
Reg. Ent. Reference No.: RN102597200
Media: Public Water Supply
Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,000	13-Aug-2008	31-May-2009	0.80	\$8	\$159	\$167
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 install the proper type of backflow prevention assemblies on the boilers, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$167



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	2-Sep-2008	Screening	15-Sep-2008	EPA Due	
	PCW	17-Sep-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Minsa Corporation
Reg. Ent. Ref. No.	RN102597200
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36527	No. of Violations	1
Docket No.	2008-1497-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 4.0% Enhancement Subtotals 2, 3, & 7 \$80

Notes: The enhancement is due to two Notices of Violation containing dissimilar violations.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement Subtotal 6 \$0

Total EB Amounts \$4
 Approx. Cost of Compliance \$100 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$2,080

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$2,080

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$2,080

DEFERRAL 20.0% Reduction Adjustment -\$416

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 \$1,664

Screening Date 15-Sep-2008

Docket No. 2008-1497-MLM-E

PCW

Respondent Minsa Corporation

Policy Revision 2 (September 2002)

Case ID No. 36527

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102597200

Media [Statute] Water Quality

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	2	4%
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) 4%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The enhancement is due to two Notices of Violation containing dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 4%

<p>Screening Date 15-Sep-2008</p> <p>Respondent Minsa Corporation</p> <p>Case ID No. 36527</p> <p>Reg. Ent. Reference No. RN102597200</p> <p>Media [Statute] Water Quality</p> <p>Enf. Coordinator Rebecca Clausewitz</p> <p>Violation Number <input type="text" value="1"/></p> <p>Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(a)(ii)</p> <p>Violation Description Failed to obtain authorization for storm water discharges associated with an industrial activity under a Texas Pollutant Discharge Elimination System ("TPDES") Industrial Storm Water General Permit.</p>	<p>Docket No. 2008-1497-MLM-E</p> <p>PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 12, 2008</i></p>																			
Base Penalty <input type="text" value="\$10,000"/>																				
>> Environmental, Property and Human Health Matrix																				
<p>OR</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td>Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;">Percent <input type="text" value="0%"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Harm																			
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	Falsification	Major	Moderate	Minor																
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>															
<input type="text" value="\$1,000"/>																				
Violation Events																				
<p>Number of Violation Events <input type="text" value="2"/> <input type="text" value="33"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="6" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td>daily</td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td style="text-align: center;">x</td> </tr> <tr> <td>quarterly</td> <td><input type="text"/></td> </tr> <tr> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td>single event</td> <td><input type="text"/></td> </tr> </table> <p>Violation Base Penalty <input type="text" value="\$2,000"/></p> <p><input type="text" value="Two monthly events are recommended, calculated from the date of the investigation, August 13, 2008, to the date of screening, September 15, 2008."/></p>	<i>mark only one with an x</i>	daily	<input type="text"/>	monthly	x	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>							
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	Before NOV	NOV to EDRP/Settlement Offer																		
Extraordinary	<input type="text"/>	<input type="text"/>																		
Ordinary	<input type="text"/>	<input type="text"/>																		
N/A	x	(mark with x)																		
Economic Benefit (EB) for this violation																				
<p>Estimated EB Amount <input type="text" value="\$4"/></p>	<p>Statutory Limit Test</p> <p>Violation Final Penalty Total <input type="text" value="\$2,080"/></p> <p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,080"/></p>																			

Economic Benefit Worksheet

Respondent Minsa Corporation
Case ID No. 36527
Reg. Ent. Reference No. RN102597200
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment					0.00	\$0	\$0	\$0
Buildings					0.00	\$0	\$0	\$0
Other (as needed)					0.00	\$0	\$0	\$0
Engineering/construction					0.00	\$0	\$0	\$0
Land					0.00	\$0	n/a	\$0
Record Keeping System					0.00	\$0	n/a	\$0
Training/Sampling					0.00	\$0	n/a	\$0
Remediation/Disposal					0.00	\$0	n/a	\$0
Permit Costs	\$100	13-Aug-2008	30-Apr-2009		0.71	\$4	n/a	\$4
Other (as needed)					0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to apply for and obtain a valid storm water permit, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$4
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Compliance History

Customer/Respondent/Owner-Operator: CN600637482 Minsa Corporation Classification: AVERAGE Rating: 0.11
 Regulated Entity: RN102597200 MINSIA CORPORATION Classification: AVERAGE Site Rating: 0.11
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0090019
 WASTEWATER PERMIT WQ0003032000
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER BA0038V
 AIR NEW SOURCE PERMITS PERMIT 45895
 ON SITE SEWAGE FACILITY PERMIT 0090046
 WATER LICENSING LICENSE 0090019
 Location: 1972 COUNTY ROAD 1068, approx. 1.5 miles SE of Rating Date: 9/1/2008 Repeat Violator: NO
 MULESHOE, Bailey County, TX, 79347
 TCEQ Region: REGION 02 - LUBBOCK
 Date Compliance History Prepared: September 15, 2008
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: September 15, 2003 to September 15, 2008

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

Name: Rebecca Clausewitz Phone: (210) 403-4012

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 judgments, 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 | 05/14/2004 | (269894) |
| 2 | 06/09/2004 | (272070) |
| 3 | 08/11/2004 | (289384) |
| 4 | 11/06/2006 | (517529) |
| 5 | 11/14/2006 | (517440) |
| 6 | 11/16/2006 | (513277) |
| 7 | 08/25/2008 | (700531) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	06/09/2004	(272070)	
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT WQ0003032-000		
Description:	Failure to keep the nitrogen loading rate below the permit limit of 21 lbs./acre/month and failure to keep the organic loading rate at or below the permit limit of 85 lbs./acre/day. Additionally, incorrect calculations have been used to determine these reported rates.		

Date: 11/14/2006

(517440)

Self Report?

NO

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description:

Failure to maintain the good working condition and general appearance of the water system's facilities and equipment. Specifically, the exterior coating on the 10,000 gallon pressure tank was not maintained.

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
MINSA CORPORATION
RN102597200

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1497-MLM-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 Minsa Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE chs. 7 and 26. 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 grain processing facility with a public water supply at 1972 County Road 1068, approximately 1.5 miles southeast of Muleshoe, Bailey County, Texas (the "Facility") that has approximately six service connections and serves at least 25 people per day for at least 60 days per year.
2. The Respondent has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.
3. 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.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 2, 2008.
5. 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.
6. An administrative penalty in the amount of Four Thousand Five Hundred Forty-Five Dollars (\$4,545) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Six Hundred Thirty-Six Dollars (\$3,636) of the administrative penalty and Nine Hundred Nine Dollars (\$909) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of

this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. 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.
8. 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.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On September 15, 2008, provided documentation demonstrating that:
 - i. The wellheads on Well Nos. 1, 2, and 5 were properly sealed with a gasket or sealing compound;
 - ii. The gate at Well No. 2 was repaired so that it would fully close and could be locked when unattended, and the barbed wire at the top of the fence surrounding Well No. 6 was properly installed; and
 - iii. A sampling tap was installed on the discharge pipe of the well pump at Well No. 3.
 - b. On September 26, 2008, began operating the Facility under the direct supervision of a water works operator with a Class "D" license.
10. 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.
11. 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.
12. 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 maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), as documented during an investigation conducted on August 13, 2008.

2. Failed to operate the Facility under the direct supervision of a water works operator with a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on August 13, 2008.
3. Failed to properly seal the wellhead at Well Nos. 1, 2, and 5 with a gasket or sealing compound, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), as documented during an investigation conducted on August 13, 2008.
4. Failed to provide a sampling tap on the discharge pipe of the well pump at Well Nos. 3 and 4, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M), as documented during an investigation conducted on August 13, 2008.
5. Failed to provide a flow measuring device on Well Nos. 1, 2, 3, 4, and 5 to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during an investigation conducted on August 13, 2008.
6. Failed to maintain an intruder-resistant fence surrounding the well site with gates that are locked when the Facility is unattended to exclude possible contamination or damage to the facilities by trespassers, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on August 13, 2008.
7. Failed to maintain the good working condition and general appearance of the water system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on August 13, 2008.
8. Failed to maintain records of the annual inspections performed on the Facility's two pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(ii), as documented during an investigation conducted on August 13, 2008.
9. Failed to provide proper backflow prevention at locations within the distribution system where actual or potential contamination hazards exist, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A), as documented during an investigation conducted on August 13, 2008.
10. Failed to obtain authorization for storm water discharges associated with an industrial activity under a Texas Pollutant Discharge Elimination System ("TPDES") Industrial Storm Water Multi-Sector General Permit, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(a)(ii), as documented during an investigation conducted on August 13, 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 6 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: Minsa Corporation, Docket No. 2008-1497-MLM-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. Immediately upon the effective date of this Agreed Order, begin maintaining a minimum disinfectant residual of 0.2 mg/L free chlorine throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Repair the leaking air release valve on Well No. 5, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Create a record-keeping system to maintain the records of the annual inspections performed on the Facility's two pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Develop and implement a Storm Water Pollution Prevention Plan and submit a Notice of Intent letter to comply with the Storm Water General Permit requirements, in accordance with 30 TEX. ADMIN. CODE § 281.25 and 40 CODE OF FEDERAL REGULATIONS § 122.26 to:

Wastewater Permitting Section
Water Quality Division, MC-148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Agreed Order:

- i. Submit written certification as described in Ordering Provision 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a and 2.b;
 - ii. Install a sampling tap on the well discharge pipe at Well No. 4, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - iii. Install flow measuring devices on Well Nos. 1, 2, 3, 4, and 5 to measure production yields and provide for the accumulation of water production data, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - iv. Install proper backflow prevention assemblies at all points within the distribution system where an actual or potential contamination hazard exists, including but not limited to the boilers located in pressure plane two, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- 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.ii through 2.c.iv. 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
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

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. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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.
6. 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szalai
For the Executive Director

2/16/2009
Date

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

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

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

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

[Signature]
Signature

12-31-2008
Date

RODRIGO ARICEANA
Name (Printed or typed)
Authorized Representative of
Minsa Corporation

US OP DIRECTOR
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.

