

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-1574-PWS-E **TCEQ ID:** RN101451920 **CASE NO.:** 36615
RESPONDENT NAME: Macedonia Eylau Municipal Utility District 1

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Macedonia Eylau MUD, located one half mile south of Farm-to-Market Road 989 and Highway 67, Bowie County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 2, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Claudius Griffie, President, Macedonia Eylau Municipal Utility District 1, 701 South Kings Highway, Texarkana, Texas 75501 Mr. Roger Davis, General Manager, Macedonia Eylau Municipal Utility District 1, 701 South Kings Highway, Texarkana, Texas 75501 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: July 15, 2008</p> <p>Date of NOV/NOE Relating to this Case: September 10, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to maintain a record of water works operation and maintenance activities and make it available for review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(ii)(II), and 290.46(f)(3)(A)(iv)].</p> <p>2) Failure to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>3) Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>4) Failure to maintain an intruder-resistant fence in good condition in order to protect the system's elevated storage tank [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>5) Failure to maintain the water system's elevated storage tank in strict accordance with current American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].</p>	<p>Total Assessed: \$3,239</p> <p>Total Deferred: \$647 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,592</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On August 26, 2008, provided a lock for the fence around the Facility's elevated storage tank and repaired the damaged portion of the fence and the barbed wire to render it intruder-resistant; and</p> <p>b. On October 3, 2008, obtained a copy of an accurate and up-to-date as built plans and specifications for the Facility's elevated storage tank.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>ii. Begin properly maintaining and keeping on file a record of the water works operation and maintenance activities, including but not limited to records of the volume of water treated each day and the dates that dead-end mains were flushed;</p> <p>iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to mowing the grass and cleaning the grounds around the elevated storage tower; and</p> <p>iv. Begin properly annotating the high chlorine readings on the DLQRs and ensure the readings are accurate and supported by the limits of the testing equipment and methods used when measuring total chloramine.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering</p>

<p>6) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>7) Failure to maintain accurate and up-to-date detailed as built plans and specifications for the elevated storage tank at the public water system [30 TEX. ADMIN. CODE § 290.46(n)(1)].</p> <p>8) Failure to properly complete the Disinfection Level Quarterly Reports ("DLQRs") for the Facility each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)].</p> <p>9) Failure to provide an elevated storage capacity of 100 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>10) Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>		<p>Provision a;</p> <p>c. Within 60 days after the effective date of this Agreed Order, complete customer service inspection certificates for all new connections that are added to the Facility;</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 90 days after the effective date of this Agreed Order, refurbish the elevated storage tank to bring it in compliance with current AWWA standards;</p> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision e.</p> <p>g. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Provide a total storage capacity of 200 gallons per connection; and</p> <p>ii. Provide an elevated storage capacity of 100 gallons per connection.</p> <p>h. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision g.</p>
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Additional ID No(s): PWS ID No. 0190012



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	15-Sep-2008			
	PCW	28-Sep-2008	Screening	30-Sep-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Macedonia Eylau Municipal Utility District 1
Reg. Ent. Ref. No.	RN101451920
Facility/Site Region	5-Tyler
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36615	No. of Violations	10
Docket No.	2008-1574-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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	\$2,970
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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	12.0% Enhancement	Subtotals 2, 3, & 7	\$356
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Notes The penalty enhancement is due to two prior NOVs for the same or similar violations as those in the current enforcement action and one dissimilar NOV.

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	\$87
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$46,287
 Approx. Cost of Compliance \$585,905
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,239
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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	\$3,239
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,239
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DEFERRAL	20.0% Reduction	Adjustment	-\$647
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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	\$2,592
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Screening Date 30-Sep-2008	Docket No. 2008-1574-PWS-E	PCW
Respondent Macedonia Eylau Municipal Utility District 1	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36615	<i>PCW Revision June 12, 2008</i>	
Reg. Ent. Reference No. RN101451920		
Media [Statute] Public Water Supply		
Enf. Coordinator Yuliya Dunaway		

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 <i>(number of NOVs meeting criteria)</i>	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	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) 12%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty enhancement is due to two prior NOVs for the same or similar violations as those in the current enforcement action and one dissimilar NOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 12%

Screening Date 30-Sep-2008 **Docket No.** 2008-1574-PWS-E **PCW**
Respondent Macedonia Eylau Municipal Utility District 1 *Policy Revision 2 (September 2002)*
Case ID No. 36615 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101451920
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(A)(ii)(II), and 290.46(f)(3)(A)(iv)
Violation Description Failed to maintain a record of water works operation and maintenance activities and make it available for review during inspections. Specifically, at the time of the investigation, it was documented that the Facility did not maintain consistent records of the volume of water treated each day and the dates that dead-end mains were flushed.
Base Penalty

>> Environmental, Property and Human Health Matrix
 OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1%"/>

Matrix Notes Less than 30% of the rule requirements were not met.
Adjustment

Violation Subtotal

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

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

Violation Base Penalty
 One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

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

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount **Violation Final Penalty Total**
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Macedonia Eylau Municipal Utility District 1
Case ID No. 36615
Reg. Ent. Reference No. RN101451920
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	15-Jul-2008	1-Apr-2009	0.71	\$7	n/a	\$7
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 maintain and keep on file records of the volume of water treated each day and the dates that dead-end mains were flushed, 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 \$7

Screening Date 30-Sep-2008	Docket No. 2008-1574-PWS-E	PCW
Respondent Macedonia Eylau Municipal Utility District 1		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 36615		<small>PCW Revision June 12, 2008</small>
Reg. Ent. Reference No. RN101451920		
Media [Statute] Public Water Supply		
Enf. Coordinator Yuliya Dunaway		

Violation Number	2
Rule Cite(s)	30 Tex. Admin. Code § 290.46(j)
Violation Description	Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. Specifically, at the time of the investigation, it was documented that a customer service inspection certificate was not completed for an undetermined amount of new connections that have been added to the Facility.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
					Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>	
					Percent 25%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1	77	Number of violation days												
<i>mark only one with an x</i> <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>monthly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	x	Violation Base Penalty \$250	
daily	<input type="checkbox"/>													
monthly	<input type="checkbox"/>													
quarterly	<input type="checkbox"/>													
semiannual	<input type="checkbox"/>													
annual	<input type="checkbox"/>													
single event	x													

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	x	(mark with x)
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 \$20 Violation Final Penalty Total \$280

This violation Final Assessed Penalty (adjusted for limits) \$280

Economic Benefit Worksheet

Respondent: Macedonia Eylau Municipal Utility District 1
Case ID No.: 36615
Reg. Ent. Reference No.: RN101451920
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	15-Jul-2008	1-May-2009	0.79	\$20	n/a	\$20
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 obtain and maintain a customer service inspection certificate at all new connections that have been added to the water system, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$20

Screening Date 30-Sep-2008 **Docket No.** 2008-1574-PWS-E **PCW**
Respondent Macedonia Eylau Municipal Utility District 1 *Policy Revision 2 (September 2002)*
Case ID No. 36615 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101451920
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="25%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

	Before NOV	NOV to EDRP/Settlement Offer
	Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Macedonia Eylau Municipal Utility District 1
Case ID No.: 36615
Reg. Ent. Reference No.: RN101451920
Media: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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	\$250	15-Jul-2008	1-Apr-2009	0.71	\$9	n/a	\$9
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 develop and keep on file an up-to-date chemical and microbiological monitoring plan, 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

\$250

TOTAL

\$9

Screening Date 30-Sep-2008	Docket No. 2008-1574-PWS-E	PCW		
Respondent Macedonia Eylau Municipal Utility District 1	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36615	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN101451920				
Media [Statute] Public Water Supply				
Enf. Coordinator Yuliya Dunaway				
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(e)			
Violation Description	Failed to maintain an intruder-resistant fence in good condition in order to protect the system's elevated storage tank. Specifically, at the time of the investigation, it was documented that the fence did not have a lock and a portion of the fence and barbed wire were damaged due to a tree falling on the fence.			
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>
				Percent 25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent 0%
Matrix Notes	Failure to provide proper intruder-resistant protection for the system's elevated storage tank may allow persons to enter and damage the tank, which could expose customers of the water system to a significant amount of pollutants which would not exceed levels that are protective of human health.			
Adjustment				\$750
				\$250
Violation Events				
Number of Violation Events		1	Number of violation days 42	
<i>mark only one with an x</i>	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 \$250
One quarterly event is recommended from the date of the investigation, July 15, 2008, to the date of compliance, August 26, 2008.				
Good Faith Efforts to Comply		25.0%	Reduction	
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	x	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)		
Notes	The Respondent came into compliance on August 26, 2008.			
Violation Subtotal				\$188
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		\$4	Violation Final Penalty Total \$218	
This violation Final Assessed Penalty (adjusted for limits)				\$218

Economic Benefit Worksheet

Respondent: Macedonia Eylau Municipal Utility District 1
Case ID No.: 36615
Reg. Ent. Reference No.: RN101451920
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 Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$500	15-Jul-2008	26-Aug-2008	0.12	\$0	\$4	\$4
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 provide a lock and repair damaged portion of the fence and the barbed wire, 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 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
 (Empty box for notes)

Approx. Cost of Compliance	\$500	TOTAL	\$4
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Screening Date 30-Sep-2008	Docket No. 2008-1574-PWS-E	PCW		
Respondent Macedonia Eylau Municipal Utility District 1		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36615		<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN101451920				
Media [Statute] Public Water Supply				
Enf. Coordinator Yuliya Dunaway				
Violation Number	<input type="text" value="5"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.43(c)(8)"/>			
Violation Description	<input along="" and="" at="" awwa")="" bottom="" bowl."="" documented="" elevated="" in="" investigation,="" it="" of="" pitted="" rusted="" specifically,="" spots="" standards.="" storage="" tank="" that="" the="" time="" type="text" value="Failed to maintain the water system's elevated storage tank in strict accordance with current American Water Works Association (" was=""/>			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	x
				Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Failure to maintain the exterior of the elevated storage tank could result in the exposure to customers of the water supply to an insignificant amount 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="77"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
Violation Base Penalty		<input type="text" value="\$100"/>		
<input type="text" value="One single event is recommended."/>				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction		<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input 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="\$62"/>	Violation Final Penalty Total	
				<input type="text" value="\$112"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$112"/>

Economic Benefit Worksheet

Respondent Macedonia Eylau Municipal Utility District 1
Case ID No. 36615
Reg. Ent. Reference No. RN101451920
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,000	15-Jul-2008	1-Jun-2009	0.88	\$3	\$59	\$62
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 refurbish the exterior surface on the elevated storage tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,000	TOTAL	\$62
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Screening Date 30-Sep-2008	Docket No. 2008-1574-PWS-E	PCW		
Respondent Macedonia Eylau Municipal Utility District 1	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36615	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN101451920				
Media [Statute] Public Water Supply				
Enf. Coordinator Yuliya Dunaway				
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)			
Violation Description	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was noted that the grass and vegetation is overgrown and pieces of equipment and materials were strewn around the grounds at the elevated storage tower location.			
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
			Falsification	
			Major	
			Moderate	
			Minor	
			Percent <input type="text" value="0%"/>	
Matrix Notes	Failure to ensure the good working condition and general appearance of the water system's facilities and equipment could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels that are protective of human health.			
Adjustment			\$900	
			\$100	
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="77"/>		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty <input type="text" value="\$100"/>	
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
One single event is recommended.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$100	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$5"/>	Violation Final Penalty Total <input type="text" value="\$112"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$112"/>	

Economic Benefit Worksheet

Respondent Macedonia Eylau Municipal Utility District 1
Case ID No. 36615
Reg. Ent. Reference No. RN101451920
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)	\$100	15-Jul-2008	1-Apr-2009	0.71	\$0	\$5	\$5
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 mow the grass and clean up the grounds around the elevated storage tower location, 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

\$5

Screening Date 30-Sep-2008 **Docket No.** 2008-1574-PWS-E **PCW**
Respondent Macedonia Eylau Municipal Utility District 1 *Policy Revision 2 (September 2002)*
Case ID No. 36615 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101451920
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(1)
Violation Description Failed to maintain accurate and up-to-date detailed as built-plans and specifications for the elevated storage tank on file at the Facility. Specifically, at the time of the investigation, it was documented that as built-plans and specifications for the elevated storage tank were not available for review.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="25%"/>

Matrix Notes 100% of the rule requirements were not met.

Adjustment

Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	<input type="text" value="(mark with x)"/>	

Notes The Respondent came into compliance on October 3, 2008.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Macedonia Eylau Municipal Utility District 1
Case ID No. 36615
Reg. Ent. Reference No. RN101451920
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

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	\$300	15-Jul-2008	3-Oct-2008	0.22	\$3	n/a	\$3
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 maintain and keep on file an accurate and up-to-date detailed as built-plans and specifications for the elevated storage tank at the Facility, 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

\$300

TOTAL

\$3

Screening Date 30-Sep-2008 **Docket No.** 2008-1574-PWS-E **PCW**
Respondent Macedonia Eylau Municipal Utility District 1 *Policy Revision 2 (September 2002)*
Case ID No. 36615 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101451920
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)
Violation Description Failed to properly complete the Disinfection Level Quarterly Reports ("DLQR's") for the Facility each quarter. Specifically, a review of the DLQR's for the four quarters prior to the investigation revealed that the high total chlorine readings annotated on the DLQR's were not supported by the limits of the testing equipment and methods used to measure the total chlorine.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
Release				0%
Potential				

>> Programmatic Matrix

Falsification				Percent
Major	Moderate	Minor		
		X		1%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

Violation Events

1 77 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	X	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$10

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

Estimated EB Amount \$4 **Violation Final Penalty Total** \$11

This violation Final Assessed Penalty (adjusted for limits) \$11

Economic Benefit Worksheet

Respondent Macedonia Eylau Municipal Utility District 1
Case ID No. 36615
Reg. Ent. Reference No. RN101451920
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	\$100	15-Jul-2008	1-Apr-2009	0.71	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to properly record the high total chlorine readings on the DLQR's 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

Screening Date 30-Sep-2008 **Docket No.** 2008-1574-PWS-E **PCW**
Respondent Macedonia Eylau Municipal Utility District 1 *Policy Revision 2 (September 2002)*
Case ID No. 36615 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101451920
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide an elevated storage capacity of 100 gallons per connection. Specifically, at the time of the investigation, the water system was providing an elevated storage capacity of 200,000 gallons. However, based on 2237 connections, the water system is required to provide an elevated storage capacity of 223,700 gallons, which is a 11% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Without sufficient elevated storage capacity, the system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 77

mark only one with an x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended from the date of the investigation, July 15, 2008, to the date of screening, September 30, 2008.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDFRP/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 \$250

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

Estimated EB Amount \$4,036 Violation Final Penalty Total \$280

This violation Final Assessed Penalty (adjusted for limits) \$280

Economic Benefit Worksheet

Respondent Macedonia Eylau Municipal Utility District 1
Case ID No. 36615
Reg. Ent. Reference No. RN101451920
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$50,955	15-Jul-2008	1-Sep-2009	1.13	\$192	\$3,844	\$4,036
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 provide an elevated storage capacity of 100 gallons per connection, 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 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

\$50,955

TOTAL

\$4,036

Screening Date 30-Sep-2008	Docket No. 2008-1574-PWS-E	PCW		
Respondent Macedonia Eylau Municipal Utility District 1		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36615		<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN101451920				
Media [Statute] Public Water Supply				
Enf. Coordinator Yuliya Dunaway				
Violation Number 10				
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(ii) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide a total storage capacity of 200 gallons per connection. Specifically, at the time of the investigation, the water system was providing a total storage capacity of 200,000 gallons. However, based on 2237 connections, the water system is required to provide a total storage capacity of 447,400 gallons, which is a 55% deficiency.			
	Base Penalty	\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential	x		
			Percent	50%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0%
Matrix Notes	Without sufficient total storage capacity, the system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that would exceed levels protective of human health.			
	Adjustment	\$500		
				\$500
Violation Events				
	Number of Violation Events	3	Number of violation days	77
	<i>mark only one with an x</i>	daily		
		monthly	x	
		quarterly		
		semiannual		
		annual		
		single event		
			Violation Base Penalty	\$1,500
	Three monthly events are recommended from the date of the investigation, July 15, 2008, to the screening date, September 30, 2008.			
Good Faith Efforts to Comply				
		0.0%	Reduction	\$0
		Before NOV	NOV to EDFRP/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	\$1,500
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$42,137	Violation Final Penalty Total	\$1,680
			This violation Final Assessed Penalty (adjusted for limits)	\$1,680

Economic Benefit Worksheet

Respondent Macedonia Eylau Municipal Utility District 1
Case ID No. 36615
Reg. Ent. Reference No. RN101451920
Media Public Water Supply
Violation No. 10

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	\$532,000	15-Jul-2008	1-Sep-2009	1.13	\$2,007	\$40,131	\$42,137
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 provide a total storage capacity of 200 gallons per connection, 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	\$532,000	TOTAL	\$42,137
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Compliance History

Customer/Respondent/Owner-Operator:	CN600637342	Macedonia Eylau Municipal Utility District 1	Classification:	Rating:
Regulated Entity:	RN101451920	MACEDONIA EYLAU MUD	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	0190012
	WATER LICENSING		LICENSE	0190012
Location:	ONE HALF OF A MILE S OF FM 989 AND HWY 67, BOWIE, TX			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	September 30, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 30, 2003 to September 30, 2008			

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

Name: Yuliya Dunaway Phone: 210-403-4077

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 05/25/2005 | (377568) |
| 2 | 05/22/2007 | (561229) |
| 3 | 04/25/2008 | (681028) |
| 4 | 09/10/2008 | (688140) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | | | |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------|----------|--|
| Date: | 06/02/2005 | (377568) | | | |
| Self Report? | NO | | Classification: | Minor | |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii) | | | | |
| Description: | Failure to maintain records per this agency's rules and regulations, which require that the following records be retained for at least three years: | | | | |
| | The disinfectant residual monitoring results from the distribution system. | | | | |
| Self Report? | NO | | Classification: | Minor | |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f) | | | | |
| Description: | Failure to compile Monthly Reports of Water Works Operation regularly each month and keep them on file for commission review for at least 2 years. | | | | |
| Self Report? | NO | | Classification: | Minor | |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m)(1) | | | | |
| Description: | Failure to inspect the elevated storage tank at least annually. | | | | |
| Self Report? | NO | | Classification: | Moderate | |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(j) | | | | |
| Description: | Failure to complete a customer service inspection certification prior to providing continuous water service to new construction, on any existing service when the | | | | |

water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121
Description: Failure by the regulated entity to develop and maintain an up to date system monitoring plan.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
Description: Failure by a community or non-transient non-community public water system that uses purchased water or groundwater sources only to submit a Disinfectant Level Quarterly Operating Report (DL QOR) each quarter by the 10th day of the month following the quarter.

Date: 05/22/2007 (561229)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(4)
Description: Failure to meet the minimum water system capacity requirement of 0.6 gallons per minute connection in the maximum authorized daily purchase rate specified by the contract.

Self Report? NO Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Rqmt Prov: ORDER Ordering Provisions 2.a. through 2.d.
Description: Failure to comply with Commission Order Docket No. 1999-1491-PWS-E.
Date: 04/25/2008 (681028)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
Description: BACT - MONITORING/REPORTING VIOLATIONS

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
MACEDONIA EYLAU MUNICIPAL
UTILITY DISTRICT 1
RN101451920**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-1574-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Macedonia Eylau Municipal Utility District 1 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply one half mile south of Farm-to-Market Road 989 and Highway 67, Bowie County, Texas (the "Facility") that has approximately 2,237 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 15, 2008.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand Two Hundred Thirty-Nine Dollars (\$3,239) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Five Hundred Ninety-Two Dollars (\$2,592) of the administrative penalty and Six Hundred Forty-Seven Dollars (\$647) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director 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.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On August 26, 2008, provided a lock for the fence around the Facility's elevated storage tank and repaired the damaged portion of the fence and the barbed wire to render it intruder-resistant; and
 - b. On October 3, 2008, obtained a copy of an accurate and up-to-date as built-plans and specifications for the Facility's elevated storage tank.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to maintain a record of water works operation and maintenance activities and make it available for review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(ii)(II), and 290.46(f)(3)(A)(iv), as documented during an investigation conducted on July 15, 2008.
2. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on July 15, 2008.
3. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on July 15, 2008.

4. Failed to maintain an intruder-resistant fence in good condition in order to protect the system's elevated storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on July 15, 2008.
5. Failed to maintain the water system's elevated storage tank in strict accordance with current American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8), as documented during an investigation conducted on July 15, 2008.
6. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on July 15, 2008.
7. Failed to maintain accurate and up-to-date detailed as built-plans and specifications for the elevated storage tank at the public water system, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1), as documented during an investigation conducted on July 15, 2008.
8. Failed to properly complete the Disinfection Level Quarterly Reports ("DLQR's") for the Facility each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4), as documented during an investigation conducted on July 15, 2008.
9. Failed to provide an elevated storage capacity of 100 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on July 15, 2008.
10. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on July 15, 2008.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Macedonia Eylau Municipal Utility District 1, Docket No. 2008-1574-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121;
 - ii. Begin properly maintaining and keeping on file a record of the water works operation and maintenance activities, including but limited to records of the volume of water treated each day and the dates that dead-end mains were flushed, as required by 30 TEX. ADMIN. CODE § 290.46;
 - iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but limited to mowing the grass and cleaning the grounds around the elevated storage tower, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Begin properly annotating the high chlorine readings on the DLQR's and ensure the readings are accurate and supported by the limits of the testing equipment and methods used when measuring total chloramine, as required by 30 TEX. ADMIN. CODE § 290.110.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 2.h, that demonstrates compliance with Ordering Provision No. 2.a.
- c. Within 60 days after the effective date this Agreed Order, complete customer service inspection certificates for all new connections that are added to the Facility, as required by 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Agreed Order, refurbish the elevated storage tank to bring it in compliance with current AWWA standards, as required by 30 TEX. ADMIN. CODE § 290.43.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 180 days after the effective date of this Agreed Order:
 - i. Provide a total storage capacity of 200 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide an elevated storage capacity of 100 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45.

- h. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sullivan
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.

Roger Davis
Signature

11-20-08
Date

Roger DAVIS
Name (Printed or typed)
Authorized Representative of
Macedonia Eylau Municipal Utility District 1

Gen. MGR.
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.

