

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-0743-MLM-E TCEQ ID: RN102675170 AND RN101274314 CASE NO.: 14128

RESPONDENT NAME: MOSS LAKE WATER SUPPLY CORPORATION

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input checked="" type="checkbox"/> UTILITY	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: North of Moss Lake on Spur 1201 and Northridge Drive, Cooke County</p> <p>TYPE OF OPERATION: Retail public water utility and public water system</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired June 1, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Tel Croston, Water Enforcement Section, MC 169, (512) 239-5717 TCEQ Regional Contact: Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901 Respondent: Mr. Tad Jenkins, President, Moss Lake Water Supply Corporation, P.O. Box 781, Gainesville, Texas 76241 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:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 28, 2006</p> <p>Date of NOE Relating to this Case: April 5, 2006</p> <p>Background Facts: The EDRP was filed September 26, 2006. The Respondent filed an Answer and the case was referred to SOAH. A settlement agreement was reached and the Agreed Order was signed March 23, 2009.</p> <p>MLM:</p> <p>1. Failed to have a sanitary control easement covering all property within 150 feet of the well [TCEQ Agreed Order Docket No. 2004-0450-PWS-E, Ordering Provision 2.f and 30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>2. Failed to provide a minimum total storage capacity of 200 gallons per connection for a public water system having 50 to 250 connections [TCEQ Agreed Order Docket No. 2004-0450-PWS-E, Ordering Provision 2.h.; 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii); and TEX. HEALTH & SAFETY CODE § 341.0315].</p> <p>3. Failed to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions [30 TEX. ADMIN. CODE § 290.42(e)(5)].</p> <p>4. Failed to equip the ground storage tank with a water level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>5. Failed to equip all air compressor injection lines for pressure tanks with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(3)].</p>	<p>Total Assessed: \$4,453</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$148/\$4,305</p> <p>The Respondent paid \$148 of the administrative penalty. The remaining amount of \$4,305 of the administrative penalty shall be payable in 35 monthly payments of \$123 each.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Three repeated enforcement actions over the prior five year period for the same violation and a substantial history of the same violation entity-wide.</p>	<p>Corrective Action Taken:</p> <p>The Executive Director recognizes that the Respondent provides a minimum total storage capacity of 200 gallons per connection for a public water system having 50 to 250 connections.</p> <p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Immediately, commence operating the water system's chlorination facilities to maintain a free chlorine residual of 0.2 mg/L in the far reaches of the distribution system; 2. Within 15, days submit written notarized certification to demonstrate compliance with Ordering Provision no. 1. 3. Within 30 days: <ol style="list-style-type: none"> a. Commence completing service inspection certifications 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, or after any material improvement, correction, or addition to the private plumbing facilities; b. Develop and maintain an adequate up-to-date chemical and microbiological monitoring plan; c. Submit a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certified area; d. Commence conducting and recording the results of annual inspections of the pressure and ground storage tanks; and e. Equip all air compressor injection lines for pressure tanks with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank. 4. Within 45 days, submit written notarized certification to demonstrate compliance with Ordering Provision nos. 3.a. through 3.e.

<p>6. Failed to maintain the residual disinfectant concentration within the farthest reaches of the distribution system at a minimum of 0.2 milligrams per liter ("mg/L") free chlorine [30 TEX. ADMIN. CODE § 290.46(d)(2)(A)].</p> <p>7. Failed to complete a customer service inspection certification prior to providing continuous water service to new construction or on any existing service [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>8. Failed to inspect the pressure tank annually [30 TEX. ADMIN. CODE § 290.46(m)(1)].</p> <p>9. Failed to maintain a monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>10. Failed to maintain all distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>11. Failed to provide a written planning report to the Executive Director for a utility possessing a certificate of convenience and necessity that has reached or exceeded 85% of its capacity [TCEQ Agreed Order Docket No. 2004-0450-PWS-E, Ordering Provision 2.c.ii; 30 TEX. ADMIN. CODE § 291.93(3); and TEX. WATER CODE § 13.139(d)].</p>		<p>5. Within 60 days, provide the water storage tank with a water level indicator compliant with 30 TEX. ADMIN. CODE § 290.43(c)(4).</p> <p>6. Within 75 days, submit written notarized certification to demonstrate compliance with Ordering Provision no. 5.</p> <p>7. Within 90 days:</p> <ul style="list-style-type: none">a. Secure a sanitary easement covering all property within 150 feet of each well location from adjacent landowners and record the deeds at the county courthouse;b. Provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions; andc. Begin maintaining all distribution system lines and related appurtenances in a watertight condition. <p>8. Within 105 days, submit written notarized certification to demonstrate compliance with Ordering Provision no. 7.</p>
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	17-Apr-2006	Screening	09-Jun-2006	EPA Due	N/A
	PCW	13-Jun-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Moss Lake Water Supply Corporation
Reg. Ent. Ref. No.	RN102675170
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	14128	No. of Violations	10
Docket No.	2006-0743-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Tei Croston
Multi-Media		EC's Team	Order Compliance
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,800

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 25% Enhancement Subtotals 2, 3, & 7 \$700

Notes: Enhancement is recommended based on one previous written NOV with same or similar violations and one previous agreed final enforcement order with a denial of liability.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: Does not meet the culpability criteria.

Good Faith Effort to Comply Reduction Subtotal 5 \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A		(mark with a small x)

Notes: The Respondent has not yet returned to compliance.

Economic Benefit 0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$483	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,500	

SUM OF SUBTOTALS 1-7 Final Subtotal \$3,500

OTHER FACTORS AS JUSTICE MAY REQUIRE 25% Enhancement Adjustment \$875

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Enhancement is recommended due to violation of Agreed Order, Docket No. 2004-0450-PWS-E, issued by the Commission November 26, 2004.

Final Penalty Amount \$4,375

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$4,375

DEFERRAL 0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is offered on Litigation cases.

PAYABLE PENALTY \$4,375

PCW A

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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)	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) 25%

>> 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

Enhancement is recommended based on one previous written NOV with same or similar violations and one previous agreed final enforcement order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 1

Primary Rule Cite(s)
Secondary Rule Cite(s)

TCEQ Agreed Order Docket No. 2004-0450-PWS-E, Ordering Provision 2.f and 30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failure to have a sanitary control easement covering all property within 150 feet of the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Failure to secure the necessary sanitary easement could expose the system to an insignificant amount of pollutants that would not exceed levels that are protective of human health.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one
use a small x

Violation Base Penalty \$50

One single event is recommended based on the February 28, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$78

This violation Final Assessed Penalty (adjusted for limits) \$78

Economic Benefit Worksheet

Respondent: Moss Lake Water Supply Corporation
Case ID No.: 14128
Reg. Ent. Reference No.: RN102675170
Media [Statute]: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	24-Feb-2005	28-Feb-2007	2.0	\$25	n/a	\$25
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to provide a sanitary control easement, or request an exception. The date range is based on the due date to the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$250
TOTAL \$25

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 2

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

TCEQ Agreed Order Docket No. 2004-0450-PWS-E, Ordering Provision 2.h and 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii)

Tex. Health and Safety Code § 341.0315

Failure to provide a minimum total storage capacity of 200 gallons per connection for a public water system having 50 to 250 connections.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Failure to provide the required total storage capacity could compromise the system's ability to provide an adequate supply of water. The provided storage capacity is 7% deficient of the required capacity.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$50

One single event is recommended based on the February 28, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$124

Violation Final Penalty Total \$78

This violation Final Assessed Penalty (adjusted for limits) \$78

Economic Benefit Worksheet

Respondent: Moss Lake Water Supply Corporation
Case ID No.: 14128
Reg. Ent. Reference No.: RN102675170
Media [Statute]: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment	\$1,000	25-May-2005	28-Feb-2007	1.8	\$6	\$118	\$124
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to provide the minimum total storage capacity, or request an exception, based on the due date to the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$1,000

TOTAL: \$124

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(5)

Secondary Rule Cite(s)

Violation Description

Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						Percent
Matrix Notes	Human health will or could be exposed to insignificant amounts of pollutants which would not exceed protective levels.					

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$50

One single event is recommended based on the February 28, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$78

This violation Final Assessed Penalty (adjusted for limits) \$78

Economic Benefit Worksheet

Respondent: Moss Lake Water Supply Corporation
Case ID No.: 14128
Reg. Ent. Reference No.: RN102675170
Media [Statute]: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$250	28-Feb-2006	12-Jun-2006	0.3	\$0	\$5	\$5
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly secure the hypochlorinator solution containers and pumps. The date range is based on the investigation date to date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$5

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4)

Secondary Rule Cite(s)

Violation Description Failure to equip the ground storage tank with a water level indicator located at the tank site.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Failure to equip the ground storage tank with a water level indicator located at the tank site could contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$50

One single event is recommended based on the February 28, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$78

This violation Final Assessed Penalty (adjusted for limits) \$78

Economic Benefit Worksheet

Respondent: Moss Lake Water Supply Corporation
Case ID No.: 14128
Reg. Ent. Reference No.: RN102675170
Media [Statute]: Public Water Supply
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment	\$250	28-Feb-2006	02-Feb-2007	0.9	\$1	\$15	\$16
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to install a water level indicator on the ground storage tank. The date range is based on the investigation date to estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$16

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 5

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

Secondary Rule Cite(s)

Violation Description Failure to equip all air compressor injection lines for pressure tanks with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						Percent
Matrix Notes	Human health will or could be exposed to significant amounts of pollutants which would not exceed protective levels.					

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$200

Two quarterly events are recommended based on the investigation (02/28/2006) to enforcement screening (06/09/2006).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$313

This violation Final Assessed Penalty (adjusted for limits) \$313

Economic Benefit Worksheet

Respondent: Moss Lake Water Supply Corporation
Case ID No.: 14128
Reg. Ent. Reference No.: RN102675170
Media [Statute]: Public Water Supply
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment	\$250	28-Feb-2006	12-Jun-2006	0.3	\$0	\$5	\$5
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to equip all pressure tank injection lines with a filter. The time span is based on the investigation date to date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$250
TOTAL \$5

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(d)(2)(A)

Secondary Rule Cite(s)

Violation Description Failure to maintain the residual disinfectant concentration within the farthest reaches of the distribution system at a minimum of 0.2 milligrams per liter ("mg/L") free chlorine as required. Specifically, sample results indicated a 0.16 mg/L free chlorine residual.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Human health will or could be exposed to insignificant amounts of pollutants which would not exceed protective levels.

Adjustment -\$950

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$50

One single event is recommended based on the February 28, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$78

This violation Final Assessed Penalty (adjusted for limits) \$78

Economic Benefit Worksheet

Respondent Moss Lake Water Supply Corporation
Case ID No. 14128
Reg. Ent. Reference No. RN102675170
Media [Statute] Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	28-Feb-2006	12-Jun-2006	0.3	\$4	n/a	\$4

Notes for DELAYED costs Estimated cost to collect samples and demonstrate a free chlorine residual of 0.2 mg/L, based on the investigation date to the date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250
TOTAL \$4

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(j)

Secondary Rule Cite(s)

Violation Description Failure to complete a customer service inspection certification prior to providing continuous water service to new construction or on any existing service.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification	X			Percent 10%
Matrix Notes	100% of the rule requirement was not met.				

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 10

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

Ten single events are recommended based on the number of new connections added without a customer service inspection certification.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$1,563

This violation Final Assessed Penalty (adjusted for limits) \$1,563

Economic Benefit Worksheet

Respondent Moss Lake Water Supply Corporation
Case ID No. 14128
Reg. Ent. Reference No. RN102675170
Media [Statute] Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	28-Feb-2006	28-Feb-2007	1.0	\$25	n/a	\$25
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to complete customer service inspection certifications. The date range is based on the investigation date to estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$25

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 8

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)

Secondary Rule Cite(s)

Violation Description Failure to inspect the pressure tank annually.

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

Matrix Notes Human health will or could be exposed to pollutants which would exceed protective levels.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
single event		

Violation Base Penalty \$250

One annual event is recommended based on the twelve month period preceeding the 02/28/2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$263

Violation Final Penalty Total \$391

This violation Final Assessed Penalty (adjusted for limits) \$391

Economic Benefit Worksheet

Respondent: Moss Lake Water Supply Corporation
Case ID No.: 14128
Reg. Ent. Reference No.: RN102675170
Media [Statute]: Public Water Supply
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$250	28-Feb-2005	28-Feb-2006	1.0	\$13	\$250	\$263
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to maintain records of annual pressure tank inspections. The date range is based on the twelve month period preceeding the investigation.

Approx. Cost of Compliance \$250

TOTAL \$263

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 9

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.121(a)

Secondary Rule Cite(s)

Violation Description Failure to maintain a monitoring plan.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
			x			Percent 10%

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

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

	daily	
	monthly	
mark only one	quarterly	
use a small x	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended based on the 02/28/06 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$156

This violation Final Assessed Penalty (adjusted for limits) \$156

Economic Benefit Worksheet

Respondent: Moss Lake Water Supply Corporation
Case ID No.: 14128
Reg. Ent. Reference No.: RN102675170
Media [Statute]: Public Water Supply
Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$250	28-Feb-2006	28-Feb-2007	1.0	\$13	n/a	\$13
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain an adequate up-to-date chemical and microbiological monitoring plan. The date range is based on the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$13

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102675170

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 10

Primary Rule Cite(s) 30.Tex. Admin. Code § 290.46(m)(4)

Secondary Rule Cite(s)

Violation Description Failure to maintain all distribution system lines/related appurtenances in a watertight condition.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual				Percent	25%
	Potential	x				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor		
						Percent	

Matrix Notes Failure to maintain all distribution lines in a watertight condition could expose human health to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 4

mark only one use a small x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

Four monthly events are recommended based on the investigation (02/28/2006) to enforcement screening (06/09/2006).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,563

This violation Final Assessed Penalty (adjusted for limits) \$1,563

Economic Benefit Worksheet

Respondent Moss Lake Water Supply Corporation
Case ID No. 14128
Reg. Ent. Reference No. RN102675170
Media [Statute] 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
Equipment	\$250	28-Feb-2006	12-Jun-2006	0.3	\$0	\$5	\$5
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to ensure that the distribution system lines are in a watertight condition. The date range is based on the investigation to compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250
TOTAL \$5

Compliance History

Customer/Respondent/Owner-Operator:	CN601358328 Moss Lake Water Supply Corporation	Classification: N/A	Rating:
Regulated Entity:	RN102675170 MOSS LAKE WSC	Classification: N/A	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0490017 0490017
Location:	N SIDE OF MOSS LAKE ADJACENT TO SPUR 1201 & NORTHRIDE DR, COOKE COUNTY.		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	June 20, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 20, 2001 to June 20, 2006		

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

Name: Edward R. Moderow Phone: 512.239.2680

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.

Effective Date: 11/26/2004	ADMINORDER 2004-0450-PWS-E
Classification: Minor	
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A) 30 TAC Chapter 290, SubChapter D 290.46(n)(3)	
Description: Failure to obtain, furnish and maintain copies of well completion data which includes the following items: Driller's Log, cementing certificate, results of a 36-hour pump test, original or legible copy of a United States Geological Survey.	
Classification: Minor	
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)	
Description: Failure to provide a sanitary control easement for the well.	
Classification: Moderate	
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii) 5A THC Chapter 341, SubChapter A 341.0315(c)	
Description: Failure to provide a minimum total storage capacity of 200 gallons per connection for a public water system having 50 to 250 connections.	
Classification: Moderate	
Citation: 30 TAC Chapter 290, SubChapter D 290.42(I)	
Description: Failure to compile and maintain a plant operations manual.	
Classification: Moderate	
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)	
Description: Failure to provide a flow meter on the well pump discharge line to measure production yields and provide the accumulation of water production data.	

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. (CEEDS Inv. Track. No.)

- 1 03/31/2006 (457477)
- 2 08/20/2003 (145395)

CH A

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

Date: 11/23/2005 (405497)

Self Report? NO

Classification: Minor

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

30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to obtain, furnish and maintain copies of well completion data which includes the following items: Driller's Log, cementing certificate, results of a 36-hour pump test, original or legible copy of a United States Geological Survey.

Self Report? NO

Classification: Minor

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

Description: Failure to provide a sanitary control easement for the well.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum total storage capacity of 200 gallons per connection for a public water system having 50 to 250 connections.

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



Penalty Calculation Worksheet (PCW)

DATES	Assigned	17-Apr-2006	Screening	09-Jun-2006	EPA Due	N/A
	PCW	13-Jun-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Moss Lake Water Supply Corporation		
Reg. Ent. Ref. No.	RN101274314		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	14128	No. of Violations	1
Docket No.	2006-0743-MLM-E	Order Type	Findings
Media Program(s)	Public Water Utilities	Enf. Coordinator	Tel Croston
Multi-Media		EC's Team	Order Compliance
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$50
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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	25% Enhancement	Subtotals 2, 3, & 7 \$13

Notes: Enhancement is recommended based on one previous written NOV with same or similar violations and one previous agreed final enforcement order with a denial of liability.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: Does not meet the culpability criteria.

Good Faith Effort to Comply		Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A		(mark with a small x)

Notes: The Respondent has not yet returned to compliance.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$26	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$63
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OTHER FACTORS AS JUSTICE MAY REQUIRE	25% Enhancement	Adjustment	\$16
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Enhancement is recommended due to violation of Agreed Order, Docket No. 2004-0450-PWS-E, issued by the Commission November 26, 2004.

Final Penalty Amount **\$78**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$78
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is offered on Litigation cases.

PAYABLE PENALTY	\$78
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Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101274314

Media [Statute] Public Water Utilities

Enf. Coordinator Tel Croston

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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)	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) 25%

>> 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

Enhancement is recommended based on one previous written NOV with same or similar violations and one previous agreed final enforcement order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 09-Jun-2006

Docket No. 2006-0743-MLM-E

PCW

Respondent Moss Lake Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 14128

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101274314

Media [Statute] Public Water Utilities

Enf. Coordinator Tel Croston

Violation Number 1

TCEQ Agreed Order Docket No. 2004-0450-PWS-E, Ordering Provision 2.c.ii. and 30 Tex. Admin. Code § 291.93(3)

Primary Rule Cite(s)

Tex. Water Code § 13.139(d)

Secondary Rule Cite(s)

Violation Description

Failed to provide a written planning report to the Executive Director for a utility possessing a certificate of convenience and necessity that has reached or exceeded 85% of its capacity.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
			X			Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment -\$450

Base Penalty Subtotal \$50

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$50

One single event is recommended based on the February 28, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$78

This violation Final Assessed Penalty (adjusted for limits) \$78

Economic Benefit Worksheet

Respondent Moss Lake Water Supply Corporation
Case ID No. 14128
Reg. Ent. Reference No. RN101274314
Media [Statute] Public Water Utilities
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	25-Jan-2005	28-Feb-2007	2.1	\$26	n/a	\$26
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to prepare and submit a planning report based on the report due date to the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$26

H. Voluntary on-site compliance assessment date

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
MOSS LAKE WATER SUPPLY
CORPORATION,
RN102675170
RN101274314**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2006-0743-MLM-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Moss Lake Water Supply Corporation ("Moss Lake WSC") under the authority of TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 70, 290, and 291. The Executive Director of the TCEQ, represented by the Litigation Division, and Moss Lake WSC presented this agreement to the Commission.

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

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

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

FINDINGS OF FACT

1. Moss Lake WSC owns and operates a retail public water utility and public water system located north of Moss Lake on Spur 1201 and Northridge Drive in Cooke County, Texas (the "Facility").

2. The Facility provides water for human consumption, has 82 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63). The Facility operates, maintains, or controls in this state facilities for providing potable water service or sewer service, or both, for compensation. As such, the Facility is a retail public utility as defined in TEX. WATER CODE § 13.002(19).

3. During an inspection conducted on February 28, 2006, a TCEQ Dallas-Fort Worth Regional Office investigator documented that Moss Lake:
 - a. Failed to have a sanitary control easement covering all property within 150 feet of the well.

 - b. Failed to provide a minimum total storage capacity of 200 gallons per connection for a public water system having 50 to 250 connections.

 - c. Failed to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions.

 - d. Failed to equip the ground storage tank with a water level indicator located at the tank site.

 - e. Failed to equip all air compressor injection lines for pressure tanks with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank.

 - f. Failed to maintain the residual disinfectant concentration within the farthest reaches of the distribution system at a minimum of 0.2 milligrams per liter ("mg/L") free chlorine as required. Specifically, sample results indicated a 0.16 mg/L free chlorine residual.

 - g. Failed to complete a customer service inspection certification prior to providing continuous water service to new construction or on any existing service.

 - h. Failed to inspect the pressure tank annually.

 - i. Failed to maintain a monitoring plan.

 - j. Failed to maintain all distribution system lines and related appurtenances in a watertight condition.

4. During an inspection conducted on February 28, 2006, a TCEQ Dallas-Fort Worth Regional Office investigator documented that Moss Lake failed to provide a written planning report to the Executive Director for a utility possessing a certificate of convenience and necessity that has reached or exceeded 85% of its capacity.
5. Moss Lake WSC received notice of the violations on or about April 10, 2006.
6. The Executive Director recognizes that Moss Lake WSC provides a minimum total storage capacity of 200 gallons per connection for a public water system having 50 to 250 connections.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Moss Lake WSC is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Moss Lake WSC failed to have a sanitary control easement covering all property within 150 feet of the well, in violation of TCEQ Agreed Order Docket No. 2004-0450-PWS-E, Ordering Provision 2.f. and 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
3. As evidenced by Finding of Fact No. 3.b., Moss Lake WSC failed to provide a minimum total storage capacity of 200 gallons per connection for a public water system having 50 to 250 connections, in violation of TCEQ Agreed Order Docket No. 2004-0450-PWS-E, Ordering Provision 2.h.; 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii); and TEX. HEALTH & SAFETY CODE § 341.0315.
4. As evidenced by Finding of Fact No. 3.c., Moss Lake WSC failed to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5).
5. As evidenced by Finding of Fact No. 3.d., Moss Lake WSC failed to equip the ground storage tank with a water level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).
6. As evidenced by Finding of Fact No. 3.e., Moss Lake WSC failed to equip all air compressor injection lines for pressure tanks with a filter or other device to prevent compressor

- lubricants and other contaminants from entering the pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3).
7. As evidenced by Finding of Fact No. 3.f., Moss Lake WSC failed to maintain the residual disinfectant concentration within the farthest reaches of the distribution system at a minimum of 0.2 mg/L free chlorine as required, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A).
 8. As evidenced by Finding of Fact No. 3.g., Moss Lake WSC failed to complete a customer service inspection certification prior to providing continuous water service to new construction or on any existing service, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
 9. As evidenced by Finding of Fact No. 3.h., Moss Lake WSC failed to inspect the pressure tank annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1).
 10. As evidenced by Finding of Fact No. 3.i., Moss Lake WSC failed to maintain a monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a).
 11. As evidenced by Finding of Fact No. 3.j., Moss Lake WSC failed to maintain all distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
 12. As evidenced by Finding of Fact No. 4., Moss Lake WSC failed to provide a written planning report to the Executive Director for a utility possessing a certificate of convenience and necessity that has reached or exceeded 85% of its capacity, in violation of TCEQ Agreed Order Docket No. 2004-0450-PWS-E, Ordering Provision 2.c.ii., 30 TEX. ADMIN. CODE § 291.93(3); and TEX. WATER CODE § 13.139(d).
 13. Pursuant to TEX. WATER CODE § 13.4151 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Moss Lake WSC for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
 14. An administrative penalty in the amount of four thousand four hundred fifty-three dollars (\$4,453.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 13.4151 and TEX. HEALTH & SAFETY CODE § 341.049. Moss Lake WSC paid one hundred forty-eight dollars (\$148.00) of the administrative penalty. The remaining amount of four thousand three hundred five dollars (\$4,305.00) of the administrative penalty shall be payable in thirty-five monthly payments of one hundred twenty-three dollars (\$123.00) each, pursuant to 30 TEX. ADMIN. CODE

§ 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If Moss Lake WSC fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Moss Lake WSC to meet the payment schedule of this Agreed Order constitutes the failure by Moss Lake WSC to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Moss Lake WSC is assessed an administrative penalty in the amount of four thousand four hundred fifty-three dollars (\$4,453.00) as set forth in Conclusion of Law No. 14 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Moss Lake WSC's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Moss Lake Water Supply Corporation; Docket No. 2006-0743-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. Moss Lake WSC shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Moss Lake WSC shall commence operating the water system's chlorination facilities to maintain a free chlorine residual of 0.2 mg/L in the far reaches of the distribution system.

- b. Within 15 days after the effective date of this Agreed Order, Moss Lake WSC shall submit written certification as described in Ordering Provision 2.i. that demonstrates compliance with Ordering Provision No. 2.a.
- c. Within 30 days after the effective date of this Agreed Order, Moss Lake WSC shall:
 - i. Commence completing service inspections certifications 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, or after any material improvement, correction, or addition to the private plumbing facilities.
 - ii. Develop and maintain an adequate up-to-date chemical and microbiological monitoring plan.
 - iii. Submit a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certified area, in accordance with 30 TEX. ADMIN. CODE § 291.93(3).
 - iv. Commence conducting and recording the results of annual inspections of the pressure and ground storage tanks, as required by 30 TEX. ADMIN. CODE § 290.46.
 - v. Equip all air compressor injection lines for pressure tanks with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank.
- d. Within 45 days after the effective date of this Agreed Order, Moss Lake WSC shall submit written certification as described in Ordering Provision 2.i. that demonstrates compliance with Ordering Provision Nos. 2.c.i. through 2.c.v.
- e. Within 60 days after the effective date of this Agreed Order, Moss Lake WSC shall provide the water storage tank with a water level indicator compliant with 30 TEX. ADMIN. CODE § 290.43(c)(4).
- f. Within 75 days after the effective date of this Agreed Order, Moss Lake WSC shall submit written certification as described in Ordering Provision 2.i. that demonstrates compliance with Ordering Provision No. 2.e.
- g. Within 90 days after the effective date of this Agreed Order, Moss Lake WSC shall:

- i. Secure a sanitary easement covering all property within 150 feet of each well location from adjacent landowners and record the deeds at the county courthouse.
 - ii. Provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions.
 - iii. Begin maintaining all distribution system lines and related appurtenances in a watertight condition.
- h. Within 105 days after the effective date of this Agreed Order, Moss Lake WSC shall submit written certification of compliance with Ordering Provision Nos. 2.g.i. through 2.g.iii., as described in Ordering Provision 2.i.
- i. The certifications required by Ordering Provisions 2.b., 2.d., 2.f., and 2.h. shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, 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.”

Moss Lake WSC shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and

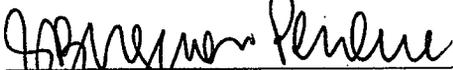
Sid Slocum, Water Section Manager
Texas Commission on Environmental Quality
Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118

3. The provisions of this Agreed Order shall apply to and be binding upon Moss Lake WSC. Moss Lake WSC is ordered to give notice of this 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 Moss Lake WSC shall be made in writing to the Executive Director. Extensions are not effective until Moss Lake WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Moss Lake WSC if the Executive Director determines that Moss Lake WSC has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Moss Lake WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to Moss Lake WSC, or three days after the date on which the Commission mails notice of the Order to Moss Lake WSC, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/3/2009

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Moss Lake Water Supply Corporation. I represent that I am authorized to agree to the attached Agreed Order on behalf of Moss Lake Water Supply Corporation, and do agree to the specified terms and conditions. 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 in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on Moss Lake WSC's compliance history;
- Greater scrutiny of any permit applications submitted by Moss Lake WSC;
- 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 against Moss Lake WSC;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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


Signature

3/23/09
Date

TAD W. JENKINS
Name (printed or typed)
Authorized Representative
Moss Lake Water Supply Corporation

PRES. / OPER.
Title