

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2010-0061-MLM-E RN101215549 CASE NO. 38977
RESPONDENT NAME: SHILOH RIDGE WATER SUPPLY CORPORATION

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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 HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER RIGHTS	<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

SITE WHERE VIOLATIONS OCCURRED: Two miles east of Highway 59, on Farm-to-Market Road 1988, Polk County

TYPE OF OPERATION: Public water system

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired November 22, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Jim Sallans, Litigation Division, MC 175, (512) 239-3400
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Water Enforcement Section, MC R-14, (361) 825-3425

TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondent: Donael Rodgers, Vice-President, Shiloh Ridge WSC, 588 Vicksburg Lane, Livingston, Texas 77351

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS 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: N/A</p> <p>Date of Investigation: September 29, 2009</p> <p>Date of NOE: November 19, 2009</p> <p>Background Facts: The EDRP was filed on July 30, 2010, and mailed to Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDRP on August 3, 2010. Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p>MLM:</p> <ol style="list-style-type: none"> Failed to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)]. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction [30 TEX. ADMIN. CODE § 290.46(j)]. Failed to maintain Facility operation and maintenance records and have them available for review by Commission personnel during the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III) and (f)(3)(D)(ii)]. Failed to calibrate well meters at the Facility at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)]. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)]. Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 mg/L of free 	<p>Total Assessed: \$7,736</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$7,736</p> <p>This is a Default Order. Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Compliance History Classifications: N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately: <ol style="list-style-type: none"> Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including, but not limited to, recording and keeping on file the amount of chemicals used each week, the volume of water treated each week and annual inspections for the pressure tanks (Violation 3); and Begin verifying the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations (Violation 10). Within 30 days: <ol style="list-style-type: none"> Develop and begin maintaining a drought contingency plan for the Facility (Violation 16); Initiate maintenance and housekeeping practices to ensure good working condition and general appearance of the Facility and its equipment, including, but not limited to, repairing or replacing the chlorine pump at Well No. 2 (Violation 14); Securely install the electrical wiring for Well Nos. 2 and 3 in compliance with a local or national electrical code (Violation 12); Operate the disinfection equipment to maintain a minimum disinfection residual of 0.2 mg/L of free chlorine throughout the distribution system at all times (Violations 6 and 7); and Begin monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days (Violation 5). Within 45 days submit written certification to demonstrate compliance with Ordering Provision Nos. 1 and 2. Within 60 days: <ol style="list-style-type: none"> Complete a customer service inspection certificate for the new construction at 488 Fredericksburg Lane and begin completing customer service inspection certificates prior to providing continuous water service to new construction (Violation 2);

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS REQUIRED
<p>chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>7. Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>8. Failed to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>9. Failed to provide two or more service pumps with a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>10. Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].</p> <p>11. Failed to prevent livestock from occupying the land within 50 feet of Well No. 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(D)].</p> <p>12. Failed to securely install all Facility electrical wiring in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>13. Failed to provide the Facility's two 1,000 gallon pressure tanks with an access port for periodic inspections [30 TEX. ADMIN. CODE § 290.43(d)(1)].</p> <p>14. Failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>15. Failed to provide an all-weather access road to Well Nos. 2 and 3 [30 TEX. ADMIN. CODE § 290.41(c)(3)(P)].</p> <p>16. Failed to develop and maintain a drought contingency plan for the Facility [30 TEX. ADMIN. CODE § 288.30(5)].</p>		<p>b. Develop and adopt an adequate plumbing ordinance, regulations or service agreement to ensure that neither cross-connections nor other acceptable plumbing practices are permitted (Violation 1); and</p> <p>c. Calibrate the flow meters for Well Nos. 2 and 3 (Violation 4).</p> <p>5. Within 75 days submit written certification to demonstrate compliance with Ordering Provision No. 4.</p> <p>6. Within 90 days:</p> <p>a. Ensure that livestock is prevented from occupying the land within 50 feet of Well No. 2 (Violation 11);</p> <p>b. Provide each of the Facility's 1,000 gallon pressure tanks with an access port for periodic inspections (Violation 13); and</p> <p>c. Provide an all-weather access road to Well Nos. 2 and 3 (Violation 15).</p> <p>7. Within 105 days submit written certification to demonstrate compliance with Ordering Provision No. 6.</p> <p>8. Within 180 days:</p> <p>a. Provide a total storage capacity of 200 gallons per connection, or provide a minimum alternative capacity requirement of well capacity of 1.5 gpm per connection and pressure tank capacity of 50 gallons per connection (Violation 8); and</p> <p>b. Provide two or more service pumps with a total capacity of 2.0 gpm per connection, or provide a minimum alternative capacity requirement of well capacity of 1.5 gpm per connection and pressure tank capacity of 50 gallons per connection (Violation 9).</p> <p>9. Within 195 days submit written certification to demonstrate compliance with Ordering Provision 8.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	7-Jan-2010	Screening	7-Jan-2010	EPA Due	
	PCW	21-Apr-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Shiloh Ridge Water Supply Corporation		
Reg. Ent. Ref. No.	RN101215549		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38977	No. of Violations	15
Docket No.	2010-0061-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit	Minimum	\$50	Maximum
			\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,810
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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	22.0% Enhancement	Subtotals 2, 3, & 7	\$1,278
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Notes: The penalty enhancement is due to one NOV for violations that are dissimilar to the violations in the current enforcement case and one agreed final enforcement order containing a denial of liability.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$4,227
 Approx. Cost of Compliance: \$40,800
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,088
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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 \$7,088

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,126
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DEFERRAL	0.0% 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:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$7,126
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Screening Date 7-Jan-2010

Docket No. 2010-0061-MLM-E

PCW

Respondent Shiloh Ridge Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38977

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101215549

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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) 22%

>> 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 one NOV for violations that are dissimilar to the violations in the current enforcement case and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 7-Jan-2010

Docket No. 2010-0061-MLM-E

PCW

Respondent Shiloh Ridge Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38977

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101215549

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

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

Violation Description Failed to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, at the time of the investigation, it was documented that the agreement utilized by the Facility did not list unacceptable plumbing practices or enforcement policies and did not require the customer's signature to ensure compliance with the agreement.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR matrix table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Programmatic Matrix table with columns: Falsification, Major, Moderate, Minor, Percent (10%). Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 100

Frequency selection table: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Good Faith Efforts table with columns: Extraordinary, Ordinary, N/A, Before NOV, NOV to EDPRP/Settlement.

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 \$7

Violation Final Penalty Total \$122

This violation Final Assessed Penalty (adjusted for limits) \$122

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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)	\$100	29-Sep-2009	1-Oct-2010	1.01	\$0	\$7	\$7
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 estimated amount to prepare and maintain an adequate plumbing ordinance or service agreement, 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

\$7

Screening Date	7-Jan-2010	Docket No.	2010-0061-MLM-E	PCW
Respondent	Shiloh Ridge Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	38977			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101215549			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
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. Specifically, at the time of the investigation, it was documented that a customer service inspection certificate was not completed for the new construction at 488 Fredericksburg Lane.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes: Without completion of a customer service inspection prior to providing continuous water service to new construction, 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 \$750

\$250

Violation Events

Number of Violation Events: 1 100 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply **0.0%** Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$8 **Violation Final Penalty Total** \$305

This violation Final Assessed Penalty (adjusted for limits) \$305

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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				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)	\$150	29-Sep-2009	1-Oct-2010	1.01	\$8	n/a	\$8

Notes for DELAYED costs

The delayed costs include the estimated amount to compete a customer service inspection certificate for the 488 Fredericksburg Lane residence, 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

\$150

TOTAL

\$8

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III) and (f)(3)(D)(ii)
Violation Description Failed to maintain Facility operation and maintenance records and have them available for review by Commission personnel during the investigation. Specifically, records of the amount of chemicals used each week, the volume of water treated each week, and the annual inspections for the pressure tanks were not available at the time of the investigation.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	
Less than 30% of the rule requirements were not met.					
Adjustment					\$990

\$10

Violation Events

Number of Violation Events 1 100 Number of violation days
mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Estimated EB Amount \$5 **Violation Final Penalty Total** \$12
This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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	\$100	29-Sep-2009	1-Sep-2010	0.92	\$5	n/a	\$5
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 estimated amount to develop and begin maintaining a record keeping system for the tank inspection reports, the amount of chemicals used each week and the volume of water treated each week, 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
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Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)
Violation Description Failed to calibrate well meters at least once every three years. Specifically, at the time of the investigation, it was documented that the flow meters for Well Nos. 2 and 3 have not been calibrated in the last three years.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to have well flow measuring devices properly calibrated could result in inaccurate or unavailable data of the chemical treatment effectiveness in the water, which could expose customers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 1096 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events (one per each meter) are recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

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

Estimated EB Amount \$359

Violation Final Penalty Total \$122

This violation Final Assessed Penalty (adjusted for limits) \$122

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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]	\$300	29-Sep-2006	29-Sep-2009	3.92	\$59	\$300	\$359
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to calibrate the flow meters (\$150 per meter), calculated for three years preceding the September 29, 2009 investigation.

Approx. Cost of Compliance

\$300

TOTAL

\$359

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A)
Violation Description Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days. Specifically, at the time of the investigation, it was documented that the Facility did not monitor the disinfectant residual concentration between May 4, 2009 and May 19, 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to properly monitor the disinfectant residual could expose customers of the water supply to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 14 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$250

One monthly event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$250

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

Estimated EB Amount \$50

Violation Final Penalty Total \$305

This violation Final Assessed Penalty (adjusted for limits) \$305

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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				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

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]	\$50	4-May-2009	19-May-2009	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount for proper monitoring of the disinfectant residual, calculated for the period in which the violation occurred.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4), and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, field tests conducted on September 29, 2009 at 488 Fredericksburg Lane, at a residence on Gettysburg Road, and at the entry point to the distribution system at Well No. 2 recorded a free chlorine residual of 0.02 mg/L, 0.0 mg/L, and 0.04 mg/L, respectively.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential	x		25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to maintain the disinfectant residual could result in customers of the Facility being exposed to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$750
 \$250

Violation Events

Number of Violation Events 1 1 Number of violation days
 mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event x
Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$50 **Violation Final Penalty Total** \$305

This violation Final Assessed Penalty (adjusted for limits) \$305

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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)				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

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]	\$50	29-Sep-2009	30-Sep-2009	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount for additional oversight and maintenance that could have prevented the low disinfectant residual, calculated for the day the violation occurred.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4), and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, field tests conducted on September 30, 2009 at 488 Fredericksburg Lane and at a residence on Gettysburg Road recorded a free chlorine residual of 0.07 mg/L and 0.04 mg/L, respectively.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%
Failure to maintain the disinfectant residual could result in customers of the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.					
Adjustment					\$900

Violation Events

		1	1	Number of violation days	
<i>mark only one with an x</i>	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		
One single event is recommended.					
Violation Base Penalty					\$100

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Estimated EB Amount \$50 **Violation Final Penalty Total** \$122
This violation Final Assessed Penalty (adjusted for limits) \$122

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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

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]	\$50	30-Sep-2009	1-Oct-2009	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount for additional oversight and maintenance that could have prevented the low disinfectant residual, calculated for the day the violation occurred.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health & Safety § 341.0315(c)
Violation Description Failed to provide a total storage capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that an exception was granted to the Facility on September 25, 2006, which would allow for the water system to provide a well capacity of 1.5 gallons per minute ("gpm") per connection and a pressure tank capacity of 50 gallons per connection in lieu of meeting a total storage capacity requirement. However, the Facility has failed to meet the conditions of this exception with a 44% deficiency in pressure tank capacity and a 31% deficiency in well capacity. Therefore, the Facility is 100% deficient in total storage capacity.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Without sufficient storage capacity, the Facility'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 \$750

\$250

Violation Events

	4	100	Number of violation days
<i>mark only one with an x</i>	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
single event			
			Violation Base Penalty \$1,000

Four monthly events are recommended from the date of the investigation, September 29, 2009, to the date of screening, January 7, 2010.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Violation Subtotal \$1,000

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

Estimated EB Amount \$2,819 **Violation Final Penalty Total** \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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	\$30,000	29-Sep-2009	1-Feb-2011	1.34	\$134	\$2,685	\$2,819
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 estimated 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)

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

\$30,000

TOTAL

\$2,819

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety § 341.0315(c)
Violation Description Failed to provide two or more service pumps with a total capacity of 2.0 gpm per connection. Specifically, at the time of the investigation, it was documented that an exception was granted to the Facility on September 25, 2006, which would allow the Facility to provide a well capacity of 1.5 gpm per connection and a pressure tank capacity of 50 gallons per connection in lieu of meeting the service pump capacity requirements. However, the Facility has failed to meet the conditions of this exception with a 44% deficiency on a pressure tank capacity and a 31% deficiency on a well capacity, and now must provide service pump capacity. Since the Facility does not have any service pumps, it is 100% deficient in service pump capacity.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Without sufficient service pump 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 \$750

\$250

Violation Events

Number of Violation Events 4 100 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

Four monthly events are recommended from the date of the investigation, September 29, 2009, to the date of screening, January 7, 2010.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,000

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

Estimated EB Amount \$188 **Violation Final Penalty Total** \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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

Equipment	\$2,000	29-Sep-2009	1-Feb-2011	1.34	\$9	\$179	\$188
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 estimated amount to provide at least two service pumps with a total capacity of 2.0 gpm per connection (\$500 per pump plus installation), 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	\$2,000	TOTAL	\$188
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Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 10
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(i)
Violation Description Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Failure to verify the accuracy of the disinfectant analyzers could result in customers of the water supply being exposed to an insignificant amounts of contamination which would not exceed levels that are protective of human health.					

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 30 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$50

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

Estimated EB Amount \$105 **Violation Final Penalty Total** \$61

This violation Final Assessed Penalty (adjusted for limits) \$61

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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]	\$100	29-Aug-2009	29-Sep-2009	1.00	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to verify the accuracy of the chlorine residual analyzers once per month, calculated for the month prior to the investigation date.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 11
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(D)
Violation Description Failed to prevent livestock from occupying the land within 50 feet of the Facility's well. Specifically, at the time of the investigation, it was noted that a livestock were allowed to range along a fence located approximately 35 feet from Well No. 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to keep livestock at least 50 feet from the well could result in the contamination of the water supply and/or exposure of customers 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 4 100 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

Four monthly events are recommended from the date of the investigation, September 29, 2009, to the date of screening, January 7, 2010.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$1,000

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

Estimated EB Amount \$76 **Violation Final Penalty Total** \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 11

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	\$1,000	29-Sep-2009	1-Nov-2010	1.09	\$4	\$73	\$76
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 estimated amount to relocate the livestock fence so that livestock are kept at least 50 feet from the Facility well, 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

\$76

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

V12
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="25%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
<input type="text" value="Failure to install all Facility electrical wiring in compliance with a local or national electrical code may cause equipment to malfunction resulting in low pressure or outages which could expose customers of the water supply to a significant amount of pollutants, which would exceed levels that are protective of human health."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

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 type="text"/>
N/A	<input type="text" value="x"/>	(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 Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 12

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	\$150	29-Sep-2009	14-Dec-2009	0.21	\$0	\$2	\$2
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	29-Sep-2009	1-Sep-2010	0.92	\$0	\$9	\$10
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The equipment delayed costs include the estimated amount to install the Facility's electrical wiring for Well No. 2 in compliance with a local or national electrical code, calculated from the date of the investigation to the date of compliance. The other delayed costs include the estimated amount to install the Facility's electrical wiring for Well No. 3 in compliance with a local or national electrical code, 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

\$300

TOTAL

\$12

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 13
Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(1)
Violation Description Failed to provide the Facility's two 1,000 gallon pressure tanks with an access port for periodic inspections.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Without an access port installed on the pressure tanks, an operator would not be able to inspect the pressure tanks and the integrity of the pressure tanks could be compromised.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4 100 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$400

Four quarterly events (two events per tank) are recommended, calculated from the date of the investigation, September 29, 2009, to the date of screening, January 7, 2010.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$400

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

Estimated EB Amount \$231 **Violation Final Penalty Total** \$488

This violation Final Assessed Penalty (adjusted for limits) \$488

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 13

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	\$3,000	26-Sep-2009	1-Nov-2010	1.10	\$11	\$220	\$231
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 estimated amount to equip two pressure tanks with access ports, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$231

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 14
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)
Violation Description Failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment. Specifically, at the time of the investigation, it was documented that the chlorine pump at Well No. 2 was malfunctioning.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to maintain the Facility equipment in a good working condition could result in customers of the water system being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 100 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$200

Two quarterly events are recommended from the date of the investigation, September 29, 2009, to the date of screening, January 7, 2010.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$200

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

Estimated EB Amount \$39 **Violation Final Penalty Total** \$244

This violation Final Assessed Penalty (adjusted for limits) \$244

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 14

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	\$600	29-Sep-2009	1-Sep-2010	0.92	\$2	\$37	\$39
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 estimated amount to repair or replace the chlorine pump at Well No. 2, 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

\$600

TOTAL

\$39

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 15
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(P)
Violation Description Failed to provide an all-weather access road to the Well No. 2 and Well No. 3 sites.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to provide an all-weather access road may make it difficult for the operator to access the well to maintain or operate the water supply during heavy or sustained rainfall events or in emergency situations.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 100 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events (one per well site) are recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

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

Estimated EB Amount \$229

Violation Final Penalty Total \$122

This violation Final Assessed Penalty (adjusted for limits) \$122

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 15

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	\$3,000	29-Sep-2009	1-Nov-2010	1.09	\$11	\$218	\$229
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 cost includes the estimated amount to provide an all-weather access road to the well sites, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$229



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	7-Jan-2010	Screening	7-Jan-2010	EPA Due	
	PCW	21-Apr-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Shiloh Ridge Water Supply Corporation		
Reg. Ent. Ref. No.	RN101215549		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38977	No. of Violations	1
Docket No.	2010-0061-MLM-E	Order Type	1660
Media Program(s)	Water Rights	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit	Minimum	\$0	Maximum
			\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
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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	22.0% Enhancement	Subtotals 2, 3, & 7	\$110
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Notes: The penalty enhancement is due to one NOV for violations that are dissimilar to the violations in the current enforcement case and one agreed final enforcement order containing a denial of liability.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$26
 Approx. Cost of Compliance \$500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$610
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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 \$610

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$610
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DEFERRAL	0.0% 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:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$610
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Screening Date 7-Jan-2010

Docket No. 2010-0061-MLM-E

PCW

Respondent Shiloh Ridge Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38977

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101215549

Media [Statute] Water Rights

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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) 22%

>> 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 one NOV for violations that are dissimilar to the violations in the current enforcement case and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date	7-Jan-2010	Docket No.	2010-0061-MLM-E	PCW
Respondent	Shiloh Ridge Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	38977			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101215549			
Media [Statute]	Water Rights			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	<input type="text" value="1"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 288.30(5)"/>			
Violation Description	<input type="text" value="Failed to develop and maintain a drought contingency plan for the Facility."/>			
Base Penalty	<input type="text" value="\$5,000"/>			

>> 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"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				
					Adjustment <input type="text" value="\$4,500"/>

Violation Events

Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="100"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="text" value="x"/>	
	<input type="text" value="One single event is recommended."/>		

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="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="\$500"/>

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

Estimated EB Amount	<input type="text" value="\$26"/>	Violation Final Penalty Total	<input type="text" value="\$610"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$610"/>

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Water Rights
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)	\$500	29-Sep-2009	1-Jul-2010	0.75	\$1	\$25	\$26
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 estimated amount to prepare and approve a drought contingency plan for the Facility, 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

\$26

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603579772	SHILOH RIDGE WATER SUPPLY CORPORATION	Classification:	Rating:
Regulated Entity:	RN101215549	SHILOH RIDGE WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		1870082	
Location:	2 M EAST OF HWY 59, ON FM 1988, POLK COUNTY, TX			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	January 06, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 06, 2005 to January 06, 2010			

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/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2004-0557-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide sufficient total storage and service pump capacity to meet this Agency's "Minimum Water System Capacity Requirements."

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to provide a minimum pressure of 35 psi throughout the distribution system. During the investigation, the pressure at 449 Vicksburg Ln. was documented as 30 p.s.i.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to record the dates of monthly flushing of dead-end mains and to maintain the records for a minimum of two years.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine. The residual documented during the investigation was 0.00 mg/L at 449 Vicksburg Ln.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)

Description: Failure to provide disinfection equipment capable of satisfactory operation. During the investigation, the hypochlorinator pump at well #3 was inoperable.

Classification: Moderate

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

Description: Failure to provide sufficient pressure tank capacity to meet this Agency's "Minimum Water System Capacity Requirements."

- 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 09/28/2006 (510905)

2 03/17/2008 (611495)

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

Date: 08/05/2005 (395873) CN603579772

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

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
SHILOH RIDGE WATER SUPPLY
CORPORATION;
RN101215549**

§
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§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2010-0061-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 11, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Shiloh Ridge Water Supply Corporation ("Shiloh Ridge").

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

FINDINGS OF FACT

1. Shiloh Ridge owns and operates a public water system located two miles east of Highway 59, on Farm-to-Market Road 1988, Polk County, Texas (the "Facility").
2. The Facility provides water for human consumption, has approximately 98 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 system as defined in 30 TEX. ADMIN. CODE § 290.38(66). In addition, the Facility adjoins and is contiguous with or surrounds state water as defined in TEX. WATER CODE § 11.021.
3. During an investigation conducted on September 29, 2009, a TCEQ Beaumont Regional Office investigator documented that Shiloh Ridge:
 - a. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, the agreement utilized by the Facility did not list unacceptable plumbing practices or enforcement policies and did not require the customer's signature to ensure compliance with the agreement;
 - b. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction. Specifically, a customer service inspection certificate was not completed for new construction at 488 Fredericksburg Lane;

- c. Failed to maintain Facility operation and maintenance records and have them available for review by Commission personnel during the investigation. Specifically, records of the amount of chemicals used each week, the volume of water treated each week, and the annual inspections for the pressure tanks were not available at the time of the investigation;
- d. Failed to calibrate well meters at the Facility at least once every three years. Specifically, the flow meters for Well Nos. 2 and 3 had not been calibrated in the past three years;
- e. Failed to monitor the disinfectant residual at representative locations in the distribution system once every seven days. Specifically, the Facility did not monitor the disinfectant residual concentration between May 4, 2009, and May 19, 2009;
- f. Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, field tests conducted on September 29, 2009, at 488 Fredericksburg Lane, at a residence on Gettysburg Road, and at the entry point to the distribution system at Well No. 2 recorded free chlorine residuals of 0.02 mg/L, 0.0 mg/L and 0.04 mg/L, respectively;
- g. Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times. Specifically, field tests conducted on September 30, 2009, at 488 Fredericksburg Lane and at a residence on Gettysburg Road recorded free chlorine residuals of 0.07 mg/L and 0.04/ mg/L, respectively;
- h. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, an exception was granted to the Facility on September 25, 2006, which would allow for the water system to provide a well capacity of 1.5 gallons per minute ("gpm") per connection and a pressure tank capacity of 50 gallons per connection in lieu of meeting a total storage capacity requirement. The Facility, however, has failed to meet the conditions of this exception with a 44% deficiency in pressure tank capacity and a 31% deficiency in well capacity;
- i. Failed to provide two or more service pumps with a total capacity of 2.0 gpm per connection. Specifically, an exception was granted to the Facility on September 25, 2006, which would allow the Facility to provide a well capacity of 1.5 gpm per connection and a pressure tank capacity of 50 gallons per connection in lieu of meeting the service pump capacity requirements. The Facility, however, has failed to meet the conditions of this exception with a 44% deficiency on pressure tank capacity and a 31% deficiency on well capacity;
- j. Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations;
- k. Failed to prevent livestock from occupying land within 50 feet of Well No. 2. Specifically, livestock were allowed to range along a fence located approximately 35 feet from Well No. 2;

- I. Failed to securely install all facility electrical wiring in compliance with a local or national electrical code. Specifically, electrical wiring for Well Nos. 2 and 3 were exposed;
 - m. Failed to provide the Facility's two 1,000 gallon pressure tanks with an access port for periodic inspections;
 - n. Failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment. Specifically, the chlorine pump at Well No. 2 was malfunctioning;
 - o. Failed to provide an all-weather access road to Well Nos. 2 and 3; and
 - p. Failed to develop and maintain a drought contingency plan for the Facility.
4. Shiloh Ridge received notice of the violations on or about November 24, 2009.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Shiloh Ridge Water Supply Corporation" (the "EDPRP") in the TCEQ Chief Clerk's office on July 30, 2010.
6. By letter dated July 30, 2010, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Shiloh Ridge with notice of the EDPRP. According to the return receipt "green card," Shiloh Ridge received notice of the EDPRP on August 3, 2010, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Shiloh Ridge received notice of the EDPRP, provided by the Executive Director. Shiloh Ridge failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Shiloh Ridge is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 11, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Shiloh Ridge failed to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
3. As evidenced by Finding of Fact No. 3.b., Shiloh Ridge failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
4. As evidenced by Finding of fact No. 3.c., Shiloh Ridge failed to maintain Facility operation and maintenance records and have them available for review by Commission personnel during the investigation. in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III) and (f)(3)(D)(ii).

5. As evidenced by Finding of Fact No. 3.d., Shiloh Ridge failed to calibrate well meters at the Facility at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
6. As evidenced by Finding of Fact No. 3.e., Shiloh Ridge failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
7. As evidenced by Finding of Fact No. 3.f., Shiloh Ridge failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c).
8. As evidenced by Finding of Fact No. 3.g., Shiloh Ridge failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c).
9. As evidenced by Finding of Fact No. 3.h., Shiloh Ridge failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
10. As evidenced by Finding of Fact No. 3.i., Shiloh Ridge failed to provide two or more service pumps with a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
11. As evidenced by Finding of Fact No. 3.j., Shiloh Ridge failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i).
12. As evidenced by Finding of Fact No. 3.k., Shiloh Ridge failed to prevent livestock from occupying the land within 50 feet of Well No. 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(D).
13. As evidenced by Finding of Fact No. 3.l., Shiloh Ridge failed to securely install all Facility electrical wiring in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v).
14. As evidenced by Finding of Fact No. 3.m., Shiloh Ridge failed to provide the Facility's two 1,000 gallon pressure tanks with an access port for periodic inspections, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(1).
15. As evidenced by Finding of Fact No. 3.n., Shiloh Ridge failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
16. As evidenced of Finding of Fact No. 3.o., Shiloh Ridge failed to provide an all-weather access road to Well Nos. 2 and 3, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(P).

17. As evidenced of Finding of Fact No. 3.p., Shiloh Ridge failed to develop and maintain a drought contingency plan for the Facility, in violation of 30 TEX. ADMIN. CODE § 288.30(5).
18. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Shiloh Ridge with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842 and 30 TEX. ADMIN. CODE § 70.104(a).
19. As evidenced by Finding of Fact No. 7, Shiloh Ridge failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Shiloh Ridge and assess the penalty recommended by the Executive Director.
20. Pursuant to TEX. WATER CODE § 11.0842 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Shiloh Ridge 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.
21. An administrative penalty in the amount of seven thousand seven hundred thirty-six dollars (\$7,736.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 11.0842 and TEX. HEALTH & SAFETY CODE § 341.049.
22. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Shiloh Ridge is assessed an administrative penalty in the amount of seven thousand seven hundred thirty-six dollars (\$7,736.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Shiloh Ridge's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Shiloh Ridge Water Supply Corporation; Docket No. 2010-0061-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

3. Shiloh Ridge shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, Shiloh Ridge shall:
 - i. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including, but not limited to, recording and keeping on file the amount of chemicals used each week, the volume of water treated each week and annual inspections for the pressure tanks (Conclusion of Law No. 4), in accordance with 30 TEX. ADMIN. CODE § 290.46(f); and
 - ii. Begin verifying the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations (Conclusion of Law No. 11), in accordance with 30 TEX. ADMIN. CODE § 290.46(s).
 - b. Within 30 days after the effective date of this Order, Shiloh Ridge shall:
 - i. Develop and begin maintaining a drought contingency plan for the Facility (Conclusion of Law No. 17), in accordance with 30 TEX. ADMIN. CODE § 288.30;
 - ii. Initiate maintenance and housekeeping practices to ensure good working condition and general appearance of the Facility and its equipment, including, but not limited to, repairing or replacing the chlorine pump at Well No. 2 (Conclusion of Law No. 15), in accordance with 30 TEX. ADMIN. CODE § 290.46(m);
 - iii. Securely install the electrical wiring for Well Nos. 2 and 3 in compliance with a local or national electrical code (Conclusion of Law No. 13), in accordance with 30 TEX. ADMIN. CODE § 290.46(v);
 - iv. Operate the disinfection equipment to maintain a minimum disinfection residual of 0.2 mg/L of free chlorine throughout the distribution system at all times (Conclusions of Law Nos. 7 and 8), as required under 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4); and
 - v. Begin monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days (Conclusion of Law No. 6), as required under 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
 - c. Within 45 days after the effective date of this Order, Shiloh Ridge shall submit written certification as described in Ordering provision No. 3.j. below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provisions Nos. 3.a. and 3.b.

- d. Within 60 days after the effective date of this Order, Shiloh Ridge shall:
 - i. Complete a customer service inspection certificate for the new construction at 488 Fredericksburg Lane and begin completing customer service inspection certificates prior to providing continuous water service to new construction (Conclusion of Law No. 3), in accordance with 30 TEX. ADMIN. CODE § 290.46(j);
 - ii. Develop and adopt an adequate plumbing ordinance, regulations or service agreement to ensure that neither cross-connections nor other acceptable plumbing practices are permitted (Conclusion of Law No. 2), in accordance with 30 TEX. ADMIN. CODE § 290.46(i); and
 - iii. Calibrate the flow meters for Well Nos. 2 and 3 (Conclusion of Law No. 5), in accordance with 30 TEX. ADMIN. CODE § 290.46(s).
- e. Within 75 days after the effective date of this Order, Shiloh Ridge shall submit written certification as described in Ordering Provision No. 3.j. below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.d.
- f. Within 90 days after the effective date of this Order, Shiloh Ridge shall:
 - i. Ensure that livestock is prevented from occupying the land within 50 feet of Well No. 2 (Conclusion of Law No. 12), in accordance with 30 TEX. ADMIN. CODE § 290.41(c);
 - ii. Provide each of the Facility's 1,000 gallon pressure tanks with an access port for periodic inspections (Conclusion of Law No. 14), in accordance with 30 TEX. ADMIN. CODE § 290.43(d)(1); and
 - iii. Provide an all-weather access road to Well Nos. 2 and 3 (Conclusion of Law No. 16), in accordance with 30 TEX. ADMIN. CODE § 290.41(c)(3).
- g. Within 105 days after the effective date of this Order, Shiloh Ridge shall submit written certification as described in Ordering Provision No. 3.j. below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.f.
- h. Within 180 days after the effective date of this Order, Shiloh Ridge shall:
 - i. Provide a total storage capacity of 200 gallons per connection (Conclusion of Law No. 9), as required by 30 TEX. ADMIN. CODE § 290.45, or provide a minimum alternative well capacity of 1.5 gpm per connection and pressure tank capacity of 50 gallons per connection pursuant to the total storage capacity requirement exception approved by the Executive Director in a letter dated September 25, 2006; and
 - ii. Provide two or more service pumps with a total capacity of 2.0 gpm per connection (Conclusion of Law No. 10), as required by 30 TEX. ADMIN. CODE § 290.45, or provide a minimum alternative well capacity of 1.5 gpm per connection and pressure tank capacity of 50 gallons per

connection pursuant to the service pump capacity requirement exception approved by the Executive Director in a letter dated September 25, 2006.

- i. Within 195 days after the effective date of this Order, Shiloh Ridge shall submit written certification as described in Ordering Provision No. 3.j. below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.h.
- j. The certifications required by these Ordering Provisions shall include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance. The certifications 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."

Shiloh Ridge shall submit the written certifications and 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

with a copy to:

Sid Slocum, Water Section Manager
Texas Commission on Environmental Quality
Beaumont Regional Office
3870 Eastex Freeway
Beaumont, Texas, Texas 77703-1830

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Shiloh Ridge. Shiloh Ridge is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Shiloh Ridge shall be made in writing to the Executive Director. Extensions are not effective until Shiloh Ridge receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. 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 Shiloh Ridge if the Executive Director determines that Shiloh Ridge has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JIM SALLANS

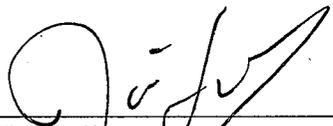
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Jim Sallans. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Shiloh Ridge Water Supply Corporation” (the “EDPRP”) was filed with the Office of the Chief Clerk on July 30, 2010.

The EDPRP was mailed to Shiloh Ridge at its last known address on July 30, 2010, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Shiloh Ridge received notice of the EDPRP on August 3, 2010, as evidenced by the signature on the card.

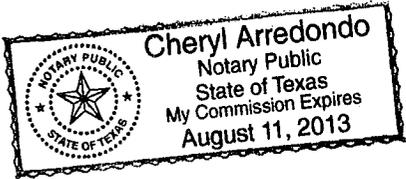
More than 20 days have elapsed since Shiloh Ridge received notice of the EDPRP. Shiloh Ridge failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.



Jim Sallans, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jim Sallans, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 24th day of September, A.D., 2010.





Notary Signature