

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2009-0369-PWS-E TCEQ ID: RN101268043 CASE NO.: 37296**

**RESPONDENT NAME: Barranca Corporation**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Barranca Corp, 600 Valley Chili Road, Anthony, El Paso County</p> <p><b>TYPE OF OPERATION:</b> Restaurant with a public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 14, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Ted Croom, President, Barranca Corporation, P.O. Box 12867, El Paso, Texas 79913                      Mr. Eduardo Orozco, Managing Member, Barranca Corporation, P.O. Box 12867, El Paso, Texas 79913  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> February 12, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 27, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to maintain a record of the amount of chemicals used each week and the results of monthly microbiological analyses and make them available for review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(III) and 290.46(f)(3)(D)(i)].</p> <p>2) Failure to notify the Executive Director prior to making any significant change or addition to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities [30 TEX. ADMIN. CODE § 290.39(j)].</p> <p>3) Failure to secure a sanitary control easement covering all property within 150 feet of the Facility's water well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>4) Failure to provide disinfection facilities for microbiological control and distribution protection [30 TEX. ADMIN. CODE § 290.42(b)(1)].</p> <p>5) Failure to provide all pressure tanks with a pressure release device [30 TEX. ADMIN. CODE § 290.43(d)(2)].</p> <p>6) Failure to maintain all water storage tanks thoroughly tight against leakage [30 TEX. ADMIN. CODE § 290.43(c)(6)].</p>	<p><b>Total Assessed:</b> \$4,673</p> <p><b>Total Deferred:</b> \$934  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$139 (remaining \$3,600 due in 36 monthly payments of \$100 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin properly maintaining all Facility records, including but not limited to weekly logs showing the amount of chlorine gas that is being used to disinfect the water and monthly microbiological samples results;</p> <p>ii. Submit proper notification to the Executive Director for the modifications made to the distribution and pressure maintenance facilities;</p> <p>iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Respondent's facilities and equipment, including but not limited to, cutting weeds around the well and storage tanks;</p> <p>iv. Install disinfection equipment so that continuous and effective disinfection can be secured under all conditions;</p> <p>v. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>vi. Develop and begin maintaining a written protocol that is to be followed to ensure that proper public notification and boil water notices are provided to the customers of the Facility in the event of distribution pressures below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine residuals, or other conditions with indicate the potability of water may have been compromised; and</p> <p>vii. Begin operating the Facility under the direct supervision of a Class D or higher certified water works operator.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification that demonstrated compliance with Ordering Provision a.</p>

<p>7) Failure to provide a backflow prevention assembly or an air gap at any residence or establishment where an actual or potential contamination hazard identified in 30 TEX. ADMIN. CODE § 290.47(i) exists [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>8) Failure to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the Respondent's facilities and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>9) Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>10) Failure to issue a boil water notification to the customers of the Facility within 24 hours using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) [30 TEX. ADMIN. CODE § 290.46(q)(1)].</p> <p>11) Failure to inspect the Facility's ground storage tanks annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>12) Failure to inspect the Facility's pressure tanks annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>13) Failure to operate the system under the direct supervision of a water works operator who holds a Class D or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH &amp; SAFETY CODE § 341.033(a)].</p>		<p>c. Within 60 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none"><li>i. Conduct an annual inspection of the Facility's three pressure tanks;</li><li>ii. Conduct an annual inspection of the Facility's two ground storage tanks;</li><li>iii. Repair the 500 gallon ground storage tank to ensure that it is thoroughly tight against leakage; and</li><li>iv. Install a reduced pressure principle backflow prevention assembly or an air gap at the three commercial connections added to the Facility.</li></ul> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 90 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none"><li>i. Install a pressure release device on the Facility's 85 gallon and 220 gallon pressure tanks; and</li><li>ii. Obtain a sanitary control easement or Commission approval of an exception to the easement requirement that covers the land within 150 feet of the well.</li></ul> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

## TCEQ

<b>DATES</b>	<b>Assigned PCW</b>	3-Mar-2009	<b>Screening</b>	10-Mar-2009	<b>EPA Due</b>	
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## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Barranca Corporation		
<b>Reg. Ent. Ref. No.</b>	RN101268043		
<b>Facility/Site Region</b>	6-EI Paso	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	37296	<b>No. of Violations</b>	13
<b>Docket No.</b>	2009-0369-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Yuliya Dunaway
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$1,549
Approx. Cost of Compliance	\$14,700

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

**Screening Date** 10-Mar-2009

**Docket No.** 2009-0369-PWS-E

**PCW**

**Respondent** Barranca Corporation

*Policy Revision 2 (September 2002)*

**Case ID No.** 37296

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN101268043

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Yuliya Dunaway

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

*Please Enter Yes or No*

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 5%

>> **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 prior NOV for the violations that are the same as or similar to violations in the current enforcement action.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E	<b>PCW</b>	
<b>Respondent</b> Barranca Corporation	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37296	<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101268043			
<b>Media [Statute]</b> Public Water Supply			
<b>Enf. Coordinator</b> Yullya Dunaway			
<b>Violation Number</b> <input type="text" value="1"/>			
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(III) and 290.46(f)(3)(D)(i)"/>		
<b>Violation Description</b>	<input type="text" value="Failed to maintain a record of the amount of chemicals used each week and the results of monthly microbiological analyses and make them available for review during inspections. Specifically, at the time of the investigation, it was documented that the Facility did not have any records of the amount of chlorine gas being used to disinfect the water each week and was missing six consecutive months of microbiological analyses results for 2008."/>		
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>Harm</b>			
<b>Release</b>	Major	Moderate	Minor
<b>OR</b>			
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
			<b>Percent</b> <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
<b>Falsification</b>			
			<b>Percent</b> <input type="text" value="1%"/>
<b>Matrix Notes</b>	<input type="text" value="Less than 30% of the rule requirements were not met."/>		
<b>Adjustment</b>		<input type="text" value="\$990"/>	
		<input type="text" value="\$10"/>	
<b>Violation Events</b>			
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="26"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$10"/>
	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="checkbox"/>	
<input type="text" value="One single event is recommended."/>			
<b>Good Faith Efforts to Comply</b>		<b>0.0% Reduction</b> <input type="text" value="\$0"/>	
		<small>Before NOV    NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
<b>Violation Subtotal</b>		<input type="text" value="\$10"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b> <input type="text" value="\$7"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$15"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$15"/>	

## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	12-Feb-2009	1-Nov-2009	0.72	\$7	n/a	\$7
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to properly maintain and keep on file monthly microbiological analyses results and weekly chemical usage, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$7

<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E	<b>PCW</b>														
<b>Respondent</b> Barranca Corporation		<small>Policy Revision 2 (September 2002)</small>														
<b>Case ID No.</b> 37296		<small>PCW Revision October 30, 2008</small>														
<b>Reg. Ent. Reference No.</b> RN101268043																
<b>Media [Statute]</b> Public Water Supply																
<b>Enf. Coordinator</b> Yulya Dunaway																
<b>Violation Number</b> <input type="text" value="2"/>																
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.39(j)															
<b>Violation Description</b>	Failed to notify the Executive Director prior to making any significant change or addition to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, at the time of the investigation, it was documented that the Respondent made modifications to the Facility by adding three commercial connections to the system and an 85 gallon pressure tank without notifying the Executive Director prior to making the modifications.															
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>														
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																
<b>OR</b>	<b>Harm</b>															
	Release    Major    Moderate    Minor															
	Actual <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>														
	Potential <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>															
<b>&gt;&gt; Programmatic Matrix</b>																
	Falsification    Major    Moderate    Minor															
	<input type="text"/> <input checked="" type="text" value="x"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>														
<b>Matrix Notes</b>	100% of the rule requirements were not met.															
	<b>Adjustment</b>	<input type="text" value="\$900"/>														
		<input type="text" value="\$100"/>														
<b>Violation Events</b>																
<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="26"/> <b>Number of violation days</b>														
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	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"/>	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
daily	<input type="text"/>															
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"/>															
	One single event is recommended.															
<b>Good Faith Efforts to Comply</b>																
	<input type="text" value="0.0%"/> <b>Reduction</b>	<input type="text" value="\$0"/>														
	<small>Before NOV    NOV to EDRP/ Settlement Offer</small>															
<b>Extraordinary</b>	<input type="text"/>															
<b>Ordinary</b>	<input type="text"/>															
<b>N/A</b>	<input checked="" type="text" value="x"/> (mark with x)															
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.															
	<b>Violation Subtotal</b>	<input type="text" value="\$100"/>														
<b>Economic Benefit (EB) for this violation</b>																
<b>Estimated EB Amount</b>	<input type="text" value="\$15"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$148"/>														
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$148"/>															

## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	12-Feb-2009	1-Nov-2009	0.72	\$1	\$14	\$15
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed costs include the amount to prepare and submit proper notification to the agency for the modifications made to 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** **TOTAL**  
\$300 \$15

<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E																			
<b>Respondent</b> Barranca Corporation	<b>PCW</b> <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>																			
<b>Case ID No.</b> 37296																				
<b>Reg. Ent. Reference No.</b> RN101268043																				
<b>Media [Statute]</b> Public Water Supply																				
<b>Enf. Coordinator</b> Yuliya Dunaway																				
<b>Violation Number</b> 3																				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(1)(F)																			
<b>Violation Description</b>	Failed to secure a sanitary control easement covering all property within 150 feet of the Facility's water well.																			
	<b>Base Penalty</b> \$1,000																			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td><b>Actual</b></td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;"><b>Percent</b> 5%</td> </tr> <tr> <td><b>Potential</b></td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		<b>Actual</b>				<b>Percent</b> 5%	<b>Potential</b>			x
	<b>Harm</b>																			
<b>Release</b>	Major	Moderate	Minor																	
<b>Actual</b>				<b>Percent</b> 5%																
<b>Potential</b>			x																	
<b>&gt;&gt; Programmatic Matrix</b>																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td><b>Falsification</b></td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;"><b>Percent</b> 0%</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor		<b>Falsification</b>				<b>Percent</b> 0%									
	Major	Moderate	Minor																	
<b>Falsification</b>				<b>Percent</b> 0%																
<b>Matrix Notes</b>	Failure to secure a sanitary control easement could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels protective of human health.																			
	<b>Adjustment</b> \$950																			
	<b>\$50</b>																			
<b>Violation Events</b>																				
<b>Number of Violation Events</b>	1																			
	26 <b>Number of violation days</b>																			
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x					
daily																				
weekly																				
monthly																				
quarterly																				
semiannual																				
annual																				
single event	x																			
	<b>Violation Base Penalty</b> \$50																			
	One single event is recommended.																			
<b>Good Faith Efforts to Comply</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">0.0% Reduction</td> <td></td> </tr> <tr> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x (mark with x)</td> </tr> <tr> <td><b>Notes</b></td> <td>The Respondent does not meet the good faith criteria for this violation.</td> </tr> </table>	0.0% Reduction		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary		Ordinary		N/A	x (mark with x)	<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.							
0.0% Reduction																				
Before NOV	NOV to EDPRP/Settlement Offer																			
Extraordinary																				
Ordinary																				
N/A	x (mark with x)																			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																			
	<b>Violation Subtotal</b> \$50																			
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>																			
<b>Estimated EB Amount</b> \$13	<b>Violation Final Penalty Total</b> \$74																			
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$74																			

## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$300	12-Feb-2009	1-Jan-2010	0.88	\$13	n/a	\$13
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed costs include the amount to secure a sanitary control easement and file the easements in the county courthouse, 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**

\$13



## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Item Description** No commas or \$

**Delayed Costs**

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,000	12-Feb-2009	1-Nov-2009	0.72	\$2	\$48	\$50
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 cost includes the amount to provide disinfection facilities for microbiological control and distribution protection for the new connections added to 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)**

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$1,000 **TOTAL** \$50

<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E	<b>PCW</b>
<b>Respondent</b> Barranca Corporation		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 37296		<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b> RN101268043		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Yuliya Dunaway		
<b>Violation Number</b> 5		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(d)(2)	
<b>Violation Description</b>	Failed to provide all pressure tanks with a pressure release device. Specifically, at the time of the investigation, it was documented that the 85 gallon and 220 gallon pressure tanks did not have pressure release devices installed.	
	<b>Base Penalty</b>	\$1,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Harm</b>	
	Release      Major      Moderate      Minor	
	Actual: <input type="text"/> <input type="text"/> <input type="text"/>	
	Potential: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification    Major      Moderate      Minor	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Without a pressure release device installed on the pressure tanks, excessive air could not escape from the tanks and the integrity of the pressure tanks could be compromised which could expose customers to a significant amount of contaminants that would exceed levels protective of human health.	
	<b>Adjustment</b>	\$750
		\$250
<b>Violation Events</b>		
	Number of Violation Events <input type="text" value="2"/>	<input type="text" value="26"/> Number of violation days
<small>mark only one with an x</small>	daily <input type="text"/> weekly <input type="text"/> monthly <input checked="" type="checkbox"/> quarterly <input type="text"/> semiannual <input type="text"/> annual <input type="text"/> single event <input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$500"/>
	Two monthly events (one event per tank) are recommended from the date of the investigation, February 12, 2009, to the date of screening, March 10, 2009.	
<b>Good Faith Efforts to Comply</b>		
	<b>0.0% Reduction</b>	<input type="text" value="\$0"/>
	Before NOV    NOV to EDPRP/Settlement Offer	
	Extraordinary <input type="text"/> <input type="text"/>	
	Ordinary <input type="text"/> <input type="text"/>	
	N/A <input checked="" type="checkbox"/> (mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
	<b>Violation Subtotal</b>	\$500
<b>Economic Benefit (EB) for this violation</b>		
	<b>Estimated EB Amount</b> <input type="text" value="\$19"/>	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> <input type="text" value="\$739"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$739"/>	

### Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment	\$300	12-Feb-2009	1-Jan-2010	0.88	\$1	\$18	\$19
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to equip the pressure tanks with pressure release devices, 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

\$19

<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E	<b>PCW</b>		
<b>Respondent</b> Barranca Corporation	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 37296	<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN101268043				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Yuliya Dunaway				
<b>Violation Number</b> <input type="text" value="6"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(c)(6)			
<b>Violation Description</b>	Failed to maintain all water storage tanks thoroughly tight against leakage. Specifically, at the time of the investigation, it was documented that the 500 gallon ground storage tank showed signs of leakage at the connection with the pressure gauge.			
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>Harm</b>				
Release	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
Major	Moderate	Minor		<b>Percent</b> <input type="text" value="0%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>		
<b>Matrix Notes</b>	Failure to maintain the ground storage tank in a watertight condition could result in customers being exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health.			
<b>Adjustment</b>			<input type="text" value="\$950"/>	
			<input type="text" value="\$50"/>	
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="26"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	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="checkbox"/>			<b>Violation Base Penalty</b> <input type="text" value="\$50"/>
One single event is recommended.				
<b>Good Faith Efforts to Comply</b>			<input type="text" value="0.0% Reduction"/>	
			<input type="text" value="\$0"/>	
			<input type="text" value="Before NOV"/>	
			<input type="text" value="NOV to EDRP/Settlement Offer"/>	
Extraordinary	<input type="text"/>			
Ordinary	<input type="text"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>			<input type="text" value="\$50"/>	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>			<input type="text" value="\$11"/>	
			<b>Violation Final Penalty Total</b> <input type="text" value="\$74"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$74"/>	

### Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101288043  
**Media** Public Water Supply  
**Violation No.** 6

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$200	12-Feb-2009	1-Dec-2009	0.80	\$1	\$11	\$11
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to repair the leak on the ground storage tank, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$11

<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E	<b>PCW</b>
<b>Respondent</b> Barranca Corporation		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 37296		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN101268043		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Yuliya Dunaway		
<b>Violation Number</b> <input type="text" value="7"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.44(h)(1)(A)	
<b>Violation Description</b>	Failed to provide a backflow prevention assembly or an air gap at any residence or establishment where an actual or potential contamination hazard identified in 30 Tex. Admin. Code § 290.47(i) exists. Specifically, at the time of the investigation, it was documented that there were no backflow prevention assemblies installed at three commercial connections added to the water system.	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
	<b>Harm</b>	
	Release	Major      Moderate      Minor
OR	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text" value="x"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification	Major      Moderate      Minor
	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	Without proper backflow prevention assemblies installed, backflow and siphonage could occur and customers of the water supply could be exposed to a significant amount of contaminants which could exceed levels protective of human health.	
	<b>Adjustment</b>	<input type="text" value="\$750"/>
		<input type="text" value="\$250"/>
<b>Violation Events</b>		
	<input type="text" value="3"/>	<input type="text" value="26"/> 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"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$750"/>
	Three monthly events (one event per connection) are recommended from the date of the investigation, February 12, 2009, to the date of screening, March 10, 2009.	
<b>Good Faith Efforts to Comply</b>		
	<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>
	Before NOV	NOV to EDRPP/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)	<input type="text"/>
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
	<b>Violation Subtotal</b>	<input type="text" value="\$750"/>
<b>Economic Benefit (EB) for this violation</b>		
	<b>Estimated EB Amount</b>	<input type="text" value="\$59"/>
<b>Statutory Limit Test</b>		
	<b>Violation Final Penalty Total</b>	<input type="text" value="\$1,109"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$1,109"/>

## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,050	12-Feb-2009	1-Dec-2009	0.80	\$3	\$56	\$59
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount to install a backflow prevention assembly or an air gap at three commercial connections added to 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	\$1,050	TOTAL	\$59
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<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E	<b>PCW</b>
<b>Respondent</b> Barranca Corporation		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 37296		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN101268043		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Yullya Dunaway		
<b>Violation Number</b> 8		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)	
<b>Violation Description</b>	Failed to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the Respondent's facilities and its equipment. Specifically, at the time of the investigation, it was noted that there were overgrown weeds around the well and storage tanks.	
	<b>Base Penalty</b>	\$1,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
	<b>Harm</b>	
	Release	Major      Moderate      Minor
OR	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
	<b>Percent</b>	5%
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification	Major      Moderate      Minor
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<b>Percent</b>	0%
<b>Matrix Notes</b>	Failure to ensure the good working condition and general appearance of the Respondent's facilities and equipment could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels that are protective of human health.	
	<b>Adjustment</b>	\$950
		\$50
<b>Violation Events</b>		
	Number of Violation Events	1      26
		Number of violation days
mark only one with an x	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>
	<b>Violation Base Penalty</b>	\$50
One single event is recommended.		
<b>Good Faith Efforts to Comply</b>		
	0.0% Reduction	\$0
	Before NOV      NOV to EOPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	x	(mark with x)
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
	<b>Violation Subtotal</b>	\$50
<b>Economic Benefit (EB) for this violation</b>		
	<b>Estimated EB Amount</b>	\$5
<b>Statutory Limit Test</b>		
	<b>Violation Final Penalty Total</b>	\$74
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
		\$74

## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101288043  
**Media** Public Water Supply  
**Violation No.** 8

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	12-Feb-2009	1-Nov-2009	0.72	\$0	\$5	\$5
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to clear weeds around the well and storage tanks, 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

<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E																			
<b>Respondent</b> Barranca Corporation	<b>PCW</b> <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>																			
<b>Case ID No.</b> 37296																				
<b>Reg. Ent. Reference No.</b> RN101268043																				
<b>Media [Statute]</b> Public Water Supply																				
<b>Enf. Coordinator</b> Yuliyia Dunaway																				
<b>Violation Number</b> 9																				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.121(a)																			
<b>Violation Description</b>	Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections.																			
<b>Base Penalty</b> \$1,000																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<b>OR</b>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right; vertical-align: middle;"><b>Percent</b> 0%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual				<b>Percent</b> 0%	Potential			
		Harm																		
Release	Major	Moderate	Minor																	
Actual				<b>Percent</b> 0%																
Potential																				
<b>&gt;&gt; Programmatic Matrix</b>																				
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td rowspan="2" style="text-align: right; vertical-align: middle;"><b>Percent</b> 10%</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor		Falsification	x			<b>Percent</b> 10%									
	Major	Moderate	Minor																	
Falsification	x			<b>Percent</b> 10%																
<b>Matrix Notes</b>	100% of the rule requirements were not met.																			
<b>Adjustment</b> \$900																				
<b>Violation Events</b>																				
<table style="width:100%;"> <tr> <td style="width:50%;">Number of Violation Events</td> <td style="width:10%; text-align: center;">1</td> <td style="width:10%; text-align: center;">26</td> <td style="width:25%;">Number of violation days</td> </tr> </table>		Number of Violation Events	1	26	Number of violation days															
Number of Violation Events	1	26	Number of violation days																	
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b> \$100				
daily																				
weekly																				
monthly																				
quarterly																				
semiannual																				
annual																				
single event	x																			
One single event is recommended.																				
<b>Good Faith Efforts to Comply</b>																				
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">0.0% Reduction</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>			0.0% Reduction			Before NOV	NOV to EDRP/Settlement Offer	Extraordinary			Ordinary			N/A	x	(mark with x)	<b>Violation Subtotal</b> \$0			
	0.0% Reduction																			
	Before NOV	NOV to EDRP/Settlement Offer																		
Extraordinary																				
Ordinary																				
N/A	x	(mark with x)																		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																			
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																		
<b>Estimated EB Amount</b>	\$15	<b>Violation Final Penalty Total</b> \$148																		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$148																		

## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 9

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	12-Feb-2009	1-Nov-2009	0.72	\$1	\$14	\$15
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount to prepare and maintain an up-to-date chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$300	TOTAL	\$15
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**Screening Date** 10-Mar-2009 **Docket No.** 2009-0369-PWS-E **PCW**  
**Respondent** Barranca Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 37296 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN101268043  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway  
**Violation Number** 10  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(q)(1)  
**Violation Description** Failed to issue a boil water notification to the customers of the Facility within 24 hours using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e). Specifically, at the time of the investigation, the TCEQ investigator informed the Facility that a boil water notice should be issued to the customers of the three commercial connections that were receiving unchlorinated water; however, no boil water notice was issued.  
**Base Penalty** \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

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

Adjustment \$600

\$100

Violation Events

Number of Violation Events: 1 Number of violation days: 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDRP/Settlement Offer \$0

Extraordinary	
Ordinary	
N/A	x (mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$148

This violation Final Assessed Penalty (adjusted for limits) \$148

## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 10

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
**Item Description**    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	12-Feb-2009	13-Feb-2009	0.00	\$0	\$50
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to issue a-boil water notice to the customers, calculated for the date when the violation occurred.

Approx. Cost of Compliance

\$50

TOTAL

\$50

<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E																			
<b>Respondent</b> Barranca Corporation	<b>PCW</b> <small>Policy Revision 2 (September 2002)</small>																			
<b>Case ID No.</b> 37296	<small>PCW Revision October 30, 2008</small>																			
<b>Reg. Ent. Reference No.</b> RN101268043																				
<b>Media [Statute]</b> Public Water Supply																				
<b>Enf. Coordinator</b> Yuliya Dunaway																				
<b>Rule Cite(s)</b>	11 30 Tex. Admin. Code § 290.46(m)(1)(A)																			
<b>Violation Description</b>	Failed to inspect the Facility's two ground storage tanks annually. Specifically, at the time of the investigation, it was noted that the two ground storage tanks were not inspected in the 12 months preceding the February 12, 2009 investigation.																			
<b>Base Penalty</b>	\$1,000																			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td style="text-align: center;"><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;"><b>Percent</b> 10%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		Actual				<b>Percent</b> 10%	Potential		x	
	<b>Harm</b>																			
<b>Release</b>	Major	Moderate	Minor																	
Actual				<b>Percent</b> 10%																
Potential		x																		
<b>&gt;&gt; Programmatic Matrix</b>																				
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	Major	Moderate	Minor																	
<b>Falsification</b>				<b>Percent</b> 0%																
<b>Matrix Notes</b>	Failure to inspect the Facility's ground storage tanks could result in non-detection of a tank defect and a loss of tank integrity compromising the system's ability to supply a safe and adequate supply of water resulting in customers of the water supply being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.																			
<b>Adjustment</b>	\$900																			
	\$100																			
<b>Violation Events</b>																				
Number of Violation Events	2																			
	365																			
	Number of violation days																			
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">weekly</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual	x	single event						
daily																				
weekly																				
monthly																				
quarterly																				
semiannual																				
annual	x																			
single event																				
<b>Violation Base Penalty</b>	\$200																			
Two annual events (one per tank) are recommended.																				
<b>Good Faith Efforts to Comply</b>																				
	0.0% Reduction																			
	\$0																			
	Before NOV    NOV to EDRP/Settlement Offer																			
Extraordinary																				
Ordinary																				
N/A	x (mark with x)																			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																			
<b>Violation Subtotal</b>	\$200																			
<b>Economic Benefit (EB) for this violation</b>																				
Estimated EB Amount	\$211																			
<b>Statutory Limit Test</b>																				
<b>Violation Final Penalty Total</b>	\$296																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$296																			

## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 11

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$200	12-Feb-2008	12-Feb-2009	1.00	\$10	\$201	\$211
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

The avoided costs include the amount to perform an annual ground storage tank inspection (\$100 per tank) for the Facility's two ground storage tanks, calculated for the 12 months preceding the February 12, 2009 investigation.

Approx. Cost of Compliance

\$200

TOTAL

\$211

<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E
<b>Respondent</b> Barranca Corporation	<b>PCW</b> <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>
<b>Case ID No.</b> 37296	
<b>Reg. Ent. Reference No.</b> RN101268043	
<b>Media [Statute]</b> Public Water Supply	
<b>Enf. Coordinator</b> Yuliya Dunaway	
<b>Violation Number</b> 12	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)(1)(B)
<b>Violation Description</b>	Failed to inspect the Facility's three pressure tanks annually. Specifically, at the time of the investigation, it was noted that the three pressure tanks were not inspected in the 12 months preceding the February 12, 2009 investigation.
<b>Base Penalty</b>	\$1,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				<b>Percent</b>
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<b>Actual</b>				
	<b>Potential</b>	x			25%

  

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	<b>Percent</b>
					0%

  

**Matrix Notes**

Failure to inspect the Facility's pressure tanks could result in non-detection of a tank defect and a loss of tank integrity compromising the system's ability to supply a safe and adequate supply of water resulting in customers of the water supply being exposed to a significant amount of contaminants which would exceed levels that are protective of human health.

  

**Adjustment** \$750

\$250

  

**Violation Events**

<b>Number of Violation Events</b>	3		365	<b>Number of violation days</b>
<i>mark only one with an x</i>	daily			<b>Violation Base Penalty</b>
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	x		
single event				

  

Three annual events (one per tank) are recommended.

  

**Good Faith Efforts to Comply**

	0.0%	<b>Reduction:</b>		
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary				<b>Violation Subtotal</b>
Ordinary				
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			

  

\$0

  

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$316
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$1,109
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$1,109

## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37296  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 12

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
**Item Description**    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	\$300	12-Feb-2008	12-Feb-2009	1.00	\$15	\$316
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

The avoided costs include the amount to perform an annual pressure storage tank inspection (\$100 per tank) for the Facility's three pressure tanks, calculated for the 12 months preceding the February 12, 2009 investigation.

Approx. Cost of Compliance \$300

TOTAL \$316

<b>Screening Date</b> 10-Mar-2009	<b>Docket No.</b> 2009-0369-PWS-E	<b>PCW</b>			
<b>Respondent</b> Barranca Corporation		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 37296		<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN101268043					
<b>Media [Statute]</b> Public Water Supply					
<b>Enf. Coordinator</b> Yuliya Dunaway					
<b>Violation Number</b> 13					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)				
<b>Violation Description</b>	Failed to operate the system under the direct supervision of a water works operator who holds a Class D or higher license.				
	<b>Base Penalty</b>	\$1,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
	<b>Harm</b>				
	Release	Major    Moderate    Minor			
<b>OR</b>	Actual	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>			
	Potential	<table border="1" style="width:100%;"><tr><td style="width:33%; text-align: center;">x</td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>	x		
x					
	<b>Percent</b>	25%			
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>				
	Major    Moderate    Minor				
	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>				
	<b>Percent</b>	0%			
<b>Matrix Notes</b>	Failure of the water supply to employ a licensed operator could result in poor plant operation and expose the public to a significant amount of contaminants of improperly treated water at levels that would exceed levels protective of human health.				
	<b>Adjustment</b>	\$750			
		<b>\$250</b>			
<b>Violation Events</b>					
	<b>Number of Violation Events</b> 1	<b>Number of violation days</b> 26			
	<b>mark only one with an x</b>				
	daily	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>			
	weekly	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>			
	monthly	<table border="1" style="width:100%;"><tr><td style="width:33%; text-align: center;">x</td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>	x		
x					
	quarterly	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>			
	semiannual	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>			
	annual	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>			
	single event	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>			
	<b>Violation Base Penalty</b>	\$250			
	One monthly event is recommended from the date of the investigation, February 12, 2009, to the date of screening, March 10, 2009.				
<b>Good Faith Efforts to Comply</b>					
	0.0% Reduction	\$0			
	Before NCV    NCV to EDPRP/Settlement Offer				
	Extraordinary	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>			
	Ordinary	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>			
	N/A	x    (mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
	<b>Violation Subtotal</b>	\$250			
<b>Economic Benefit (EB) for this violation</b>					
	<b>Estimated EB Amount</b>	\$778			
<b>Statutory Limit Test</b>					
	<b>Violation Final Penalty Total</b>	\$370			
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>				
		\$370			

## Economic Benefit Worksheet

**Respondent** Barranca Corporation  
**Case ID No.** 37298  
**Reg. Ent. Reference No.** RN101268043  
**Media** Public Water Supply  
**Violation No.** 13

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
**Item Description**    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	\$10,400	12-Feb-2009	10-Mar-2009	0.07	\$37	\$741
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

The delayed costs include the amount to employ a part-time licensed operator (calculated at \$10.00 per hour x 20 hours/week x 52 weeks), calculated from the date of the investigation to the screening date.

Approx. Cost of Compliance

\$10,400

**TOTAL**

\$778

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600698484 Barranca Corporation	Classification:	Rating:
Regulated Entity:	RN101268043 BARRANCA CORP	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0710121
Location:	800 VALLEY CHILI RD, ANTHONY, EL PASO COUNTY, TX		
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	March 06, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 06, 2004 to March 06, 2009		

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

Name: Yuliya Dunaway Phone: 210-403-4077

## Site Compliance History Components

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

### Components (Multimedia) for the Site :

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

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- |   |            |          |
|---|------------|----------|
| 1 | 03/16/2004 | (265608) |
| 2 | 04/23/2004 | (270027) |
| 3 | 04/18/2005 | (375687) |
| 4 | 04/18/2006 | (460142) |
| 5 | 05/15/2007 | (644619) |
| 6 | 08/01/2007 | (645392) |
| 7 | 02/26/2009 | (736466) |

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

Date:	03/16/2004 (265608)	CN600698484
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N) 30 TAC Chapter 290, SubChapter D 290.41(c)(4)(D) 30 TAC Chapter 290, SubChapter D 290.41(d)(4)	
Description:	Failure to install a flow meter on the well pump discharge line to provide water usage records and to assist in more efficient system operation. This meter, in conjunction with tests of water levels in the well, can provide valuable information on the condition of the well and well pump.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)	

Description: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
 Failure to have the results of inspections( as required in subsection(m) (1) of this section) for all water storage and pressure maintenance facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)  
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)  
 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to have the results of inspections( as required in subsection(m) (1) of this section) for all water storage and pressure maintenance facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)  
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)  
 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to have the results of inspections( as required in subsection(m) (1) of this section) for all water storage and pressure maintenance facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to provide the overflow pipe on the ground storage tanks with a gravity hinged and weighted cover. The cover must seat properly with a gap of not more than 1/16 inch.  
 Failure to provide the overflow pipe on the ground storage tank with a gravity hinged and weighted cover.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to provide the ground storage tank with a vent of the gooseneck or roof ventilator type, excluding turbine ventilators, designed to prevent possible entry of dust, birds, insects or any contaminants. The opening must be protected by a 16-mesh or finer corrosion resistant screening

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to equip the ground storage tank with a water level indicator located at the tank site. The indicator may be a float with a moving target, an ultrasonic level indicator, or a pressure gauge calibrated in feet of water. Pressure gauges must be not less than 3 inches in diameter and calibrated at

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  
BARRANCA CORPORATION  
RN101268043

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2009-0369-PWS-E

### I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a restaurant with a public water supply at 600 Valley Chili Road in Anthony, El Paso County, Texas (the "Facility") that has approximately four service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 4, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Four Thousand Six Hundred Seventy-Three Dollars (\$4,673) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Thirty-Nine Dollars (\$139) of the administrative penalty and Nine Hundred Thirty-Four Dollars (\$934) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed

Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Six Hundred Dollars (\$3,600) of the administrative penalty shall be payable in thirty-six (36) monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to maintain a record of the amount of chemicals used each week and the results of monthly microbiological analyses and make them available for review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(III) and 290.46(f)(3)(D)(i), as documented during an investigation conducted on February 12, 2009.
2. Failed to notify the Executive Director prior to making any significant change or addition to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j), as documented during an investigation conducted on February 12, 2009.

3. Failed to secure a sanitary control easement covering all property within 150 feet of the Facility's water well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on February 12, 2009.
4. Failed to provide disinfection facilities for microbiological control and distribution protection, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1), as documented during an investigation conducted on February 12, 2009.
5. Failed to provide all pressure tanks with a pressure release device, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2), as documented during an investigation conducted on February 12, 2009.
6. Failed to maintain all water storage tanks thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(6), as documented during an investigation conducted on February 12, 2009.
7. Failed to provide a backflow prevention assembly or an air gap at any residence or establishment where an actual or potential contamination hazard identified in 30 TEX. ADMIN. CODE § 290.47(i) exists, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A), as documented during an investigation conducted on February 12, 2009.
8. Failed to initiate maintenance and housekeeping practices that shall ensure the good working condition and general appearance of the Respondent's facilities and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on February 12, 2009.
9. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on February 12, 2009.
10. Failed to issue a boil water notification to the customers of the Facility within 24 hours using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1), as documented during an investigation conducted on February 12, 2009.
11. Failed to inspect the Facility's ground storage tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on February 12, 2009.
12. Failed to inspect the Facility's pressure tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on February 12, 2009.
13. Failed to operate the system under the direct supervision of a water works operator who holds a Class D or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on February 12, 2009.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Barranca Corporation, Docket No. 2009-0369-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Begin properly maintaining all Facility records, including but not limited to weekly logs showing the amount of chlorine gas that is being used to disinfect the water and monthly microbiological samples results, as required by 30 TEX. ADMIN. CODE § 290.46;
    - ii. Submit proper notification to the Executive Director for the modifications made to the distribution and pressure maintenance facilities, as required by 30 TEX. ADMIN. CODE § 290.39;
    - iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Respondent's facilities and equipment, including but not limited to, cutting weeds around the well and storage tanks, as required by 30 TEX. ADMIN. CODE § 290.46;
    - iv. Install disinfection equipment so that continuous and effective disinfection can be secured under all conditions, as required by 30 TEX. ADMIN. CODE § 290.42;
    - v. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121;
    - vi. Develop and begin maintaining a written protocol that is to be followed to ensure that proper public notification and boil water notices are provided to the customers of the Facility in the event of distribution pressures below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine

residuals, or other conditions which indicate the potability of water may have been compromised, as required by 30 TEX. ADMIN. CODE § 290.46; and

- vii. Begin operating the Facility under the direct supervision of a Class D or higher certified water works operator, as required by 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 2.f, that demonstrates compliance with Ordering Provision No. 2.a.
- c. Within 60 days after the effective date of this Agreed Order:
  - i. Conduct an annual inspection of the Facility's three pressure tanks, as required by 30 TEX. ADMIN. CODE § 290.46;
  - ii. Conduct an annual inspection of the Facility's two ground storage tanks, as required by 30 TEX. ADMIN. CODE § 290.46;
  - iii. Repair the 500 gallon ground storage tank to ensure that it is thoroughly tight against leakage, as required by 30 TEX. ADMIN. CODE § 290.43; and
  - iv. Install a reduced pressure principle backflow prevention assembly or an air gap at the three commercial connections added to the Facility, as required by 30 TEX. ADMIN. CODE § 290.44(h).
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Agreed Order:
  - i. Install a pressure release device on the Facility's 85 gallon and 220 gallon pressure tanks, as required by 30 TEX. ADMIN. CODE § 290.43; and
  - ii. Obtain a sanitary control easement or Commission approval of an exception to the easement requirement that covers the land within 150 feet of the well, as required by 30 TEX. ADMIN. CODE § 290.41.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager  
El Paso Regional Office  
Texas Commission on Environmental Quality  
401 East Franklin Avenue, Suite 560  
El Paso, Texas 79901-1206

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Sullivan  
\_\_\_\_\_  
For the Executive Director

12/11/2009  
\_\_\_\_\_  
Date

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

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

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

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

[Signature]  
\_\_\_\_\_  
Signature

09/10/09  
\_\_\_\_\_  
Date

Eduardo Orozco  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Barranca Corporation

\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

