

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-0952-PWS-E **TCEQ ID:** RN101195360 **CASE NO.:** 37830
RESPONDENT NAME: Mirando City Water Supply Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Mirando City WSC, located on Linder Street, Mirando City, Webb County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Two complaints were received on April 27, 2009, alleging low water pressure. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: Complaints were received, but the complainants have not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 7, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: 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 Respondent: Mr. Richard O. Bowden, Registered Agent, Mirando City Water Supply Corporation, P.O. Box 57, Mirando City, Texas 78369-0057 Mr. Salvador Johnson, President, Mirando City Water Supply Corporation, P.O. Box 57, Mirando City, Texas 78369-0057 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: April 27, 2009</p> <p>Date of Investigation Relating to this Case: May 1, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 10, 2009 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>1) Failure to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failure to provide an elevated storage capacity of 100 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>3) Failure to provide Facility records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(i)(III), and 290.46(f)(3)(A)(ii)(III)].</p> <p>4) Failure to flush dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].</p> <p>5) Failure to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") at all points within the distribution network at flow rates of at least 1.5 gpm per connection and a minimum pressure of 20 psi during emergencies such as fire fighting [30 TEX. ADMIN. CODE § 290.44(d)].</p> <p>6) Failure to operate the disinfection equipment to maintain the residual disinfectant concentration in the water at</p>	<p>Total Assessed: \$2,270</p> <p>Total Deferred: \$454 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,816</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of this Agreed Order:</p> <p>i. Begin operating the disinfection equipment to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times; and</p> <p>ii. Begin monitoring the disinfectant residual at representative locations throughout the distribution system at least once every seven days.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Compile and begin maintaining properly completed monthly water works operation records and maintenance records, including but not limited to the amount of chemicals used each day and the amount of water treated each week, and make them available at the time of Commission inspections;</p> <p>ii. Begin flushing dead-end mains at monthly intervals; and</p> <p>iii. Begin operating the Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions.</p> <p>c. Within 45 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 Provisions a and b;</p> <p>d. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Provide a minimum well capacity of 0.6 gpm per connection;</p> <p>ii. Provide an elevated storage capacity of 100 gallons per connection; and</p>

<p>least 0.2 milligrams per liter ("mg/L") free chlorine [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>7) Failure to obtain approval from the Executive Director prior to using a well as a public water supply source [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].</p> <p>8) Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].</p>		<p>iii. Submit for review and approval detailed and properly completed plans and specifications that are stamped and sealed by a licensed engineer for Well No. 2.</p> <p>e. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d.</p>
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Additional ID No(s): PWS ID No. 2400025



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	15-Jun-2009	Screening	16-Jun-2009	EPA Due	
	PCW	16-Jun-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Mirando City Water Supply Corporation		
Reg. Ent. Ref. No.	RN101195360		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37830	No. of Violations	8
Docket No.	2009-0952-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeoduru
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section			
TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$1,860
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	20.0% Enhancement	Subtotals 2, 3, & 7	\$372
Notes	Enhancement due to four prior Notices of Violation ("NOV") with same or similar violaions as those in the current-enforcement action.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$21,666	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$265,120		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$2,232
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
		Final Penalty Amount	\$2,232
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$2,270
DEFERRAL	20.0% Reduction	Adjustment	-\$454
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$1,816

Screening Date 16-Jun-2009

Docket No. 2009-0952-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to four prior Notices of Violation ("NOV") with same or similar violalons as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 16-Jun-2009	Docket No. 2009-0952-PWS-E	PCW	
Respondent Mirando City Water Supply Corporation	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37830	<small>PCW Revision October 30, 2009</small>		
Reg. Ent. Reference No. RN101195360			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.45(b)(1)(C)(I) and Tex. Health & Safety Code § 341.0315(c)"/>		
Violation Description	<input 132="" 220="" 40="" 70%="" a="" at="" connection.="" connections="" deficiency."="" documented="" facility="" gpm="" gpm")="" gpm;="" had="" however,="" indicating="" investigation,="" it="" of="" only="" per="" provided,="" require="" specifically,="" that="" the="" time="" type="text" value="Failed to provide a minimum well capacity of 0.6 gallons per minute (" was="" were="" which=""/>		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
Harm			
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"/>
			Percent <input type="text" value="25%"/>
>> Programmatic Matrix			
Falsification			
			Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Inadequate well capacity could result in water outages and backflow problems resulting in a significant amount of contaminants entering the Facility which would exceed levels protective of human health."/>		
Adjustment			<input type="text" value="\$750"/>
			<input type="text" value="\$250"/>
Violation Events			
Number of Violation Events <input type="text" value="2"/>		Number of violation days <input type="text" value="46"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text" value="x"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
			Violation Base Penalty <input type="text" value="\$500"/>
<input type="text" value="Two monthly events are recommended, calculated from the investigation date, May 1, 2009, to the screening date, June 16, 2009."/>			
Good Faith Efforts to Comply			<input type="text" value="0.0% Reduction"/>
			<input type="text" value="\$0"/>
Notes			
<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal			<input type="text" value="\$500"/>
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount <input type="text" value="\$20,377"/>		Violation Final Penalty Total <input type="text" value="\$600"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$600"/>

Economic Benefit Worksheet

Respondent Mirando City Water Supply Corporation
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$250,000	1-May-2009	30-Jun-2010	1.16	\$970	\$19,408	\$20,377
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 necessary to provide a well capacity of 0.6 gpm per connection. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250,000

TOTAL

\$20,377

Screening Date 16-Jun-2009	Docket No. 2009-0952-PWS-E	PCW		
Respondent Mirando City Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37830	<i>PCW Revision October 30, 2009</i>			
Reg. Ent. Reference No. RN101195360				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.45(b)(1)(C)(iv) and Tex. Health & Safety Code § 341.0315(c)"/>			
Violation Description	<input type="text" value="Failed to provide an elevated storage capacity of 100 gallons per connection. Specifically, at the time of the investigation, it was documented that the Facility had 220 connections which require 22,000 gallons, however, only 21,000 gallons were provided, indicating a 4% deficiency."/>			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
Harm				
Release	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	x	
				Percent <input type="text" value="5%"/>
>>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="text"/>			<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Failure to meet the minimum elevated storage tank capacity of 100 gallons per connection could result in low-pressure, outages, and exposure to an insignificant amounts of pollutants which would not exceed levels protective of human health."/>			
Adjustment				<input type="text" value="\$950"/>
				<input type="text" value="\$50"/>
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="46"/>		
<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	x			
				Violation Base Penalty <input type="text" value="\$50"/>
<input type="text" value="One single event is recommended."/>				
Good Faith Efforts to Comply				
		<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal				<input type="text" value="\$50"/>
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$251"/>		Violation Final Penalty Total <input type="text" value="\$60"/>		<input type="text" value="\$60"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$60"/>

Economic Benefit Worksheet

Respondent Mirando City Water Supply Corporation
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,150	1-May-2009	31-Dec-2010	1.67	\$12	\$239	\$251
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 necessary to provided an elevated storage capacity of 100 gallons per connection (\$2.15 per gallon deficient x 1,000 gallons). The date required is the date of the investigation. The final date is 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
\$2,150 \$251

Screening Date 16-Jun-2009	Docket No. 2009-0952-PWS-E	PCW		
Respondent Mirando City Water Supply Corporation	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37830	<small>PCW Revision October 30, 2009</small>			
Reg. Ent. Reference No. RN101195360				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number <input type="text" value="3"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(A)(i)(III), and 290.46(f)(3)(A)(ii)(III)"/>			
Violation Description	<input type="text" value="Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the following records were not available for review: a record of the amount of each chemical used each week and a record of the amount of water treated each week."/>			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
Harm				
Release	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Percent			<input type="text" value="0%"/>	
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
Percent			<input type="text" value="1%"/>	
Matrix Notes	<input type="text" value="Less than 20% of the rule requirement was not met."/>			
Adjustment			<input type="text" value="\$990"/>	
			<input type="text" value="\$10"/>	
Violation Events				
Number of Violation Events <input type="text" value="1"/>		<input type="text" value="46"/> Number of violation days		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <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="text" value="x"/>			
<input type="text" value="One single event is recommended."/>				
Good Faith Efforts to Comply			<input type="text" value="0.0%"/> Reduction <input type="text" value="\$0"/>	
			<small>Before NOV NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="text" value="x"/>	<small>(mark with x)</small>		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal			<input type="text" value="\$10"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$4"/>		Violation Final Penalty Total <input type="text" value="\$12"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$50"/>		

Economic Benefit Worksheet

Respondent Mirando City Water Supply Corporation
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$100	1-May-2009	31-Jan-2010	0.75	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to properly compile and maintain a record of the amount of each chemical used each week and a record of the amount of water treated each week. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$4
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Screening Date 16-Jun-2009	Docket No. 2009-0952-PWS-E	PCW	
Respondent Mirando City Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37830	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101195380			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Lihson-Mgbeoduru			
Violation Number <input type="text" value="4"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(l)"/>		
Violation Description	<input type="text" value="Failed to flush dead-end mains at monthly intervals. Specifically, at the time of the investigation, a review of the flushing logs indicated that dead-end mains were flushed only once within the previous 12 months."/>		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
Harm			
	Major	Moderate	Minor
OR			
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	x	<input type="text"/>
Percent			<input type="text" value="10%"/>
>> Programmatic Matrix			
Falsification			
	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent			<input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Failure to flush all dead-end mains monthly, or more often to maintain acceptable water quality, could result in the customers of the Facility becoming exposed to a significant amount of pollutants, which would not exceed levels that are protective of human health or the environment."/>		
Adjustment		<input type="text" value="\$900"/>	
		<input type="text" value="\$100"/>	
Violation Events			
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="46"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	x	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
<input type="text" value="One quarterly event is recommended, calculated from the investigation date, May 1, 2009, to the screening date, June 16, 2009."/>			
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>
		<small>Before NOV NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	<small>(mark with x)</small>	
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
Violation Subtotal		<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$5"/>		Violation Final Penalty Total <input type="text" value="\$120"/>	
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$120"/>	

Economic Benefit Worksheet

Respondent Mirando City Water Supply Corporation
Case ID No. 37830
Reg. Ent. Reference No. RN101195380
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	1-May-2009	31-Jan-2010	0.75	\$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 cost includes the amount necessary to flush the dead-end mains monthly, or more frequently to maintain acceptable water quality. The date required is the investigation date. The final date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**
\$5

Screening Date 16-Jun-2009	Docket No. 2009-0952-PWS-E	PCW	
Respondent Mirando City Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37830	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101195360			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number	5		
Rule Cite(s)	30 Tex. Admin. Code § 290.44(d)		
Violation Description	Failed to maintain and operate the Facility to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system at all times. Specifically, at the time of the investigation, it was documented that pressure at the standpipe was documented at 9 psi. As a result of the low pressure reading, a pressure logger was installed on the standpipe on May 1, 2009 thru May 4, 2009, which recorded pressure readings ranging from 8-12 psi during that period.		
	Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Percent		25%
>> Programmatic Matrix			
	Major	Moderate	Minor
Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Percent		0%
Matrix Notes	Failure to operate the Facility to provide a minimum pressure of 35 psi throughout the distribution system may result in backflow problems and expose customers of the Facility to a significant amount of contaminants that exceed levels protective of human health.		
	Adjustment	\$750	
			\$250
Violation Events			
	Number of Violation Events	2	Number of violation days
		46	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty
	weekly	<input type="checkbox"/>	
	monthly	<input checked="" type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
	Violation Base Penalty		\$500
Two monthly events are recommended, calculated from the investigation date, May 1, 2009, to the screening date, June 16, 2009.			
Good Faith Efforts to Comply			
	0.0% Reduction	\$0	
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)	
Notes:	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal		\$500
Economic Benefit (EB) for this violation			Statutory Limit Test
	Estimated EB Amount	\$118	Violation Final Penalty Total
			\$600
	This violation Final Assessed Penalty (adjusted for limits)		\$600

Economic Benefit Worksheet

Respondent Mirando City Water Supply Corporation
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	1-May-2009	28-Feb-2010	0.83	\$8	\$111	\$116
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 necessary to begin maintaining and operating the water system to provide a minimum pressure of 35 psi throughout the distribution system at all times. The date required is the investigation date. The final date is 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

\$2,000	\$116
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Screening Date 16-Jun-2009	Docket No. 2009-0952-PWS-E	PCW	
Respondent Mirando City Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37830	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101195360			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number	6		
Rule Cite(s)	30 Tex. Admin. Code § 290.48(d)(2)(A), 280.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)		
Violation Description	Failed to operate the disinfection equipment to maintain the residual disinfectant concentration in the water within the distribution system at least 0.2 mg/L free chlorine. Specifically, at the time of the investigation, a field test conducted at a residence on Highway 649 revealed a chlorine residual of 0.06 mg/L.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	X	<input type="checkbox"/>
Percent		10%	
>> Programmatic Matrix			
Falsification	Major	Moderate	Minor
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%	
Matrix Notes	Failure to maintain an adequate disinfectant concentration may allow bacteria to form in the water resulting in a significant amount of contaminated water being distributed to the public which would not exceed levels protective of human health.		
Adjustment		\$900	
		\$100	
Violation Events			
Number of Violation Events	1	Number of violation days	46
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
single event	X	\$100	
One single event is recommended.			
Good Faith Efforts to Comply			
0.0% Reduction		\$0	
Before NOV NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	X	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$100	
Economic Benefit (EB) for this violation			
Estimated EB Amount	\$283	Statutory Limit Test	
Violation Final Penalty Total		\$120	
This violation Final Assessed Penalty (adjusted for limits)		\$120	

Economic Benefit Worksheet

Respondent Mirando City Water Supply Corporation
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				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]				0.00	\$0	\$0	\$0
Other (as needed)	\$250	1-May-2009	16-Jun-2009	1.04	\$13	\$250	\$263

Notes for AVOIDED costs

The avoided costs include the amount necessary for additional maintenance and oversight to ensure the Facility has an adequate supply of chlorine. The date required is the date of the investigation. The final date is the screening date.

Approx. Cost of Compliance

\$250

TOTAL

\$263

Screening Date 16-Jun-2009	Docket No. 2009-0952-PWS-E	PCW		
Respondent Mirando City Water Supply Corporation	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37830	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101195360				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number <input type="text" value="7"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(A)			
Violation Description	Failed to obtain approval from the Executive Director prior to using a well as a public water supply source. Specifically, at the time of the investigation, it was documented that Well No. 2 is currently connected to the discharge line of Well No. 1 (G2400025A) and functioning as a public water supply source without approval from the Executive Director.			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>	
Matrix Notes	100% of the rule requirement was not met.			
		Adjustment	<input type="text" value="\$900"/>	
		<input type="text" value="\$100"/>		
Violation Events				
	<input type="text" value="1"/>	<input type="text" value="46"/>	Number of violation days	
<small>mark only one with an x</small>	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"/>		
		Violation Base Penalty	<input type="text" value="\$100"/>	
One single event is recommended.				
Good Faith Efforts to Comply				
	<input type="text" value="0.0%"/>	Reduction		<input type="text" value="\$0"/>
		Before NOV	NOV to EDRP/ Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	<input type="text" value="\$581"/>		Violation Final Penalty Total	<input type="text" value="\$120"/>
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$120"/>

Economic Benefit Worksheet

Respondent Mirando City Water Supply Corporation
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	1-May-2009	28-Feb-2010	0.83	\$28	\$553	\$581
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, submit, and obtain approval of water system plans and specifications that have been prepared by a licensed, professional engineer. The date required is the date of the investigation. The final date is the estimated date of compliance.

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

\$10,000	\$581
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Screening Date 16-Jun-2009	Docket No. 2009-0952-PWS-E	PCW	
Respondent Mirando City Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37830	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101195360			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number <input type="text" value="8"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.110(c)(4)(A)"/>		
Violation Description	<input type="text" value="Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, at the time of the investigation, it was documented that disinfectant residuals were collected at the standpipe and not at representative locations within the distribution system."/>		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
Harm			
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"/>
			Percent <input type="text" value="25%"/>
>> Programmatic Matrix			
Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
			Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Failure to monitor the disinfectant residual at representative locations throughout the distribution system could result in customers of the Facility being exposed to significant amounts of undetected contaminants which would exceed levels protective of human health."/>		
Adjustment		<input type="text" value="\$750"/>	
		<input type="text" value="\$250"/>	
Violation Events			
		<input type="text" value="2"/>	<input type="text" value="46"/> Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text" value="x"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
		Violation Base Penalty <input type="text" value="\$500"/>	
<input type="text" value="Two monthly events are recommended, calculated from the investigation date, May 1, 2009, to the screening date, June 16, 2009."/>			
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>	
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
Violation Subtotal		<input type="text" value="\$500"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$69"/>	Violation Final Penalty Total	<input type="text" value="\$600"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$600"/>

Economic Benefit Worksheet

Respondent Mirando City Water Supply Corporation
Case ID No. 37830
Reg. Ent. Reference No. RN101195360
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				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	\$520	1-May-2009	16-Jun-2009	0.13	\$3	\$66	\$69
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 weekly monitoring of the disinfectant residual at representative locations within the system (\$10 per week). The date required is the investigation date. The final date is the screening date.

Approx. Cost of Compliance

\$520

TOTAL

\$69

Compliance History Report

Customer/Respondent/Owner-Operator: CN600641005 Mirando City Water Supply Corporation Classification: AVERAGE Rating: 2.00

Regulated Entity: RN101195360 MIRANDO CITY WSC Classification: Site Rating: 2400025
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION

Location: LINDER STREET, MIRANDO CITY, TX, 78369

TCEQ Region: REGION 16 - LAREDO

Date Compliance History Prepared: June 16, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 16, 2004 to June 16, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

Site Compliance History Components

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

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court 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 | 06/08/2006 | (481909) |
| 2 | 05/30/2007 | (561475) |
| 3 | 10/15/2007 | (597936) |
| 4 | 02/14/2008 | (618604) |

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

Date:	01/30/2006 (453428)	CN600641005	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121		
Description:	Failure to provide a complete system monitoring plan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(f)		
Description:	Failure by a purchased water system to provide a daily purchase rate plus an actual production capacity of 0.6 gpm per connection.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(a)(2)		
Description:	Failure to issue a boil water notice within 24 hours of pressure dropping below 20 psi.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(g)		

Description: Failure to keep on hand a supply of calcium hypochlorite disinfectant for use when making repairs, setting meters, and disinfecting lines prior to placing them in service.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)

Description: Failure to employ an operator with a Class "C" or higher groundwater license for a system that treats groundwater and serves more than 250 connections.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Description: Failure to submit routine reports and any additional documentation required to determine compliance. The reports must contain all the information required by the drinking water standards and the results of any special monitoring tests which have been required.

Date: 08/21/2006 (509316) CN600641005

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to provide a complete system monitoring plan.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)

Description: Failure by a purchased water system to provide a daily purchase rate plus an actual production capacity of 0.6 gpm per connection.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(g)

Description: Failure to keep on hand a supply of calcium hypochlorite disinfectant for use when making repairs, setting meters, and disinfecting lines prior to placing them in service.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)

Description: Failure to employ an operator with a Class "C" or higher groundwater license for a system that treats groundwater and serves more than 250 connections.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)

Description: Failure to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection.

Date: 12/21/2006 (534881) CN600641005

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to provide a complete system monitoring plan.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)

Description: Failure by a purchased water system to provide a daily purchase rate plus an actual production capacity of 0.6 gpm per connection.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)

Description: Failure to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

Description: Failure to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system.

Date: 05/31/2007 (561475) CN600641005

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(f)		
Description:	Failure by a purchased water system to provide a daily purchase rate plus an actual production capacity of 0.6 gpm per connection.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)		
Description:	Failure to provide a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration (OSHA) standards for construction and operation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)		
Description:	Failure to maintain a record of water works operation and maintenance activities and make records accessible for review during inspections.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to conduct annual storage tank inspections.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)		
Description:	Failure to verify the accuracy of the manual disinfectant residual analyzer at least every 30 days using chlorine solutions of known concentrations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(b)(3)		
Description:	Failure to completely develop the monitoring plan.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 291, SubChapter F 291.93(3)		
Description:	Failure by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C. to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area.		

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
MIRANDO CITY WATER SUPPLY
CORPORATION
RN101195360

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0952-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 Mirando City Water Supply 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 public water supply on Linder Street in Mirando City, Webb County, Texas (the "Facility") that has approximately 220 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 June 15, 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 Two Thousand Two Hundred Seventy Dollars (\$2,270) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Eight Hundred Sixteen Dollars (\$1,816) of the administrative penalty and Four Hundred Fifty-Four Dollars (\$454) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed

Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. 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.
7. 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.
8. 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 provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on May 1, 2009.
2. Failed to provide an elevated storage capacity of 100 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on May 1, 2009.
3. Failed to provide Facility records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(i)(III), and 290.46(f)(3)(A)(ii)(III), as documented during an investigation conducted on May 1, 2009.
4. Failed to flush dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l), as documented during an investigation conducted on May 1, 2009.
5. Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") at all points within the distribution network at flow rates of at least 1.5 gallons per minute ("gpm") per connection and a minimum pressure of 20 psi during emergencies such as fire fighting, in violation of 30 TEX. ADMIN. CODE § 290.44(d), as documented during an investigation conducted on May 1, 2009.
6. Failed to operate the disinfection equipment to maintain the residual disinfectant concentration in the water at least 0.2 milligrams per liter ("mg/L") free chlorine, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on May 1, 2009.
7. Failed to obtain approval from the Executive Director prior to using a well as a public water supply source, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), as documented during an investigation conducted on May 1, 2009.

8. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A), as documented during an investigation conducted on May 1, 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: Mirando City Water Supply Corporation, Docket No. 2009-0952-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. The Respondent shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order:
 - i. Begin operating the disinfection equipment to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Begin monitoring the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in accordance with 30 TEX. ADMIN. CODE § 290.110.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Compile and begin maintaining properly completed monthly water works operation records and maintenance records, including but not limited to the amount of chemicals used each day and the amount of water treated each week, and make them available at the time of Commission inspections, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Begin flushing dead-end mains at monthly intervals, in accordance with 30 TEX. ADMIN. CODE § 290.46; and

- iii. Begin operating the Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b.
- d. Within 180 days after the effective date of this Agreed Order:
 - i. Provide a minimum well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide an elevated storage capacity of 100 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Submit for review and approval detailed and properly completed plans and specifications that are stamped and sealed by a licensed engineer for Well No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.41. The plans shall be submitted to:

Water Supply Division
Utilities Technical Review Team, MC 153
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- e. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. 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
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

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 Szolter
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

9-14-09
Date

Salvador Johnson
Name (Printed or typed)
Authorized Representative of
Mirando City Water Supply Corporation

President
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.