

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2009-1374-PWS-E **TCEQ ID:** RN101426047 **CASE NO.:** 38222**RESPONDENT NAME:** Tom Green County Fresh Water Supply District 2

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: Tom Green County FWSD 2 Christoval, 508 Anson, Christoval, Tom Green County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 25, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Ross Schroeder, President, Tom Green County Fresh Water Supply District 2, P.O. Box 131, Christoval, Texas 76935 Mr. Drew Davis, Manager/Operator, Tom Green County Fresh Water Supply District 2, P.O. Box 131, Christoval, Texas 76935 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 5, 2009</p> <p>Date of NOV/NOE Relating to this Case: July 27, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide a flow measuring device for the raw water supplied to the treatment facility [30 TEX. ADMIN. CODE § 290.42(d)(5)].</p> <p>2) Failure to maintain records of the monthly calibration conducted on the on-line turbidimeters [30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(v)].</p> <p>3) Failure to complete a customer service inspection certificate prior to providing continuous water service to new construction [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>4) Failure to inspect each of the Facility's ground storage tanks on an annual basis [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>5) Failure to inspect the Facility's pressure tank on an annual basis [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>6) Failure to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>7) Failure to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a</p>	<p>Total Assessed: \$2,534</p> <p>Total Deferred: \$506 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$169 (remaining \$1,859 due in 11 monthly payments of \$169 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input 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. Within 10 days after the effective date of this Agreed Order:</p> <p>i. Begin maintaining a record keeping system for the on-line turbidimeter calibration records;</p> <p>ii. Begin checking the calibration of the on-line turbidimeters at least once each week; and</p> <p>iii. Begin properly treating the raw water by adding coagulant prior to filtration to ensure that the minimum level of required treatment is occurring prior to the water entering the distribution system.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a;</p> <p>ii. Develop and begin utilizing a customer service inspection program to ensure that certificates are issued prior to providing continuous water service to new construction, on any existing service when there is reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to private water distribution facilities, and complete a customer service inspection and issue a certificate for the new construction on the corner of Holland and First Street;</p> <p>iii. Conduct annual inspections of the Facility's three ground storage tanks; and</p> <p>iv. Conduct an annual inspection of the Facility's one pressure tank.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p>

<p>secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv)].</p> <p>8) Failure to complete the minimum level of required treatment to the water source prior to the water entering the distribution system [30 TEX. ADMIN. CODE § 290.42(c)(1)].</p>		<p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions b.ii through b.iv;</p> <p>ii. Install a flow measuring device on the raw water line prior to any treatment and begin utilizing that flow meter to record raw water flow rates; and</p> <p>iii. Update and begin maintaining the map of the distribution system so that all mains and valves, including the Facility's isolation valves, are included on the map.</p> <p>d. Within 75 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 c.ii and iii.</p>
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Additional ID No(s): PWS ID No. 2260004



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	27-Jul-2009			
	PCW	24-Aug-2009	Screening	19-Aug-2009	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Tom Green County Fresh Water Supply District 2
Reg. Ent. Ref. No.	RN101426047
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38222	No. of Violations	8
Docket No.	2009-1374-PWS-E	Order Type	1680
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Rebecca Clausewitz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,310
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	8.0% Enhancement	Subtotals 2, 3, & 7 \$184
Notes	The enhancement is due to four prior Notices of Violation ("NOVs") which contain violations that are dissimilar to the violations 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	\$501	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$3,035	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,494
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	\$2,494
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$2,534
DEFERRAL	20.0% Reduction	Adjustment -\$506
<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		\$2,028

Screening Date 19-Aug-2009

Docket No. 2009-1374-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 2 (September 2002)

Case ID No. 38222

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

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)	0	0%
	Other written NOVs	4	8%
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 judgments 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) 8%

>> **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 enhancement is due to four prior Notices of Violation ("NOVs") which contain violations that are dissimilar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 8%

Screening Date 19-Aug-2009	Docket No. 2009-1374-PWS-E	PCW	
Respondent Tom Green County Fresh Water Supply District 2	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 38222	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN101426047			
Media [Statute] Public Water Supply			
Enf. Coordinator Rebecca Clausewitz			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.42(d)(5)"/>		
Violation Description	<input type="text" value="Failed to provide a flow measuring device for the raw water supplied to the treatment facility. Specifically, it was noted on the date of the investigation that raw water flow rates are taken from the meter that measures the water flowing from the filters to the clearwell instead of from meters that are installed prior to any treatment."/>		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	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
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Minor	<input type="text"/>
		Percent	<input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Failure to have a raw water flow meter installed prior to treatment could result in inaccurate production data and improper treatment and dosing of the water, causing customers of the Facility to be exposed to significant amounts of contaminants, 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="3"/>	<input type="text" value="75"/>	Number of violation days
<small>mark only one with an x</small>	daily <input type="text"/>	<input type="text"/>	Violation Base Penalty
	weekly <input type="text"/>	<input type="text"/>	
	monthly <input type="text" value="x"/>	<input type="text"/>	
	quarterly <input type="text"/>	<input type="text"/>	
	semiannual <input type="text"/>	<input type="text"/>	
	annual <input type="text"/>	<input type="text"/>	
	single event <input type="text"/>	<input type="text"/>	
<input type="text" value="Three monthly events are recommended, calculated from the date of the investigation, June 5, 2009, to the date of case screening, August 19, 2009."/>			<input type="text" value="\$750"/>
Good Faith Efforts to Comply			<input type="text" value="0.0% Reduction"/>
			<input type="text" value="\$0"/>
	Extraordinary <input type="text"/>	<input type="text"/>	Violation Subtotal
	Ordinary <input type="text"/>	<input type="text"/>	
	N/A <input 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="\$750"/>
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount	<input type="text" value="\$89"/>	Violation Final Penalty Total	<input type="text" value="\$810"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$810"/>

Economic Benefit Worksheet

Respondent: Tom Green County Fresh Water Supply District 2
Case ID No.: 38222
Reg. Ent. Reference No.: RN101426047
Media: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,000	5-Jun-2009	31-May-2010	0.99	\$3	\$66	\$69
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 estimated amount to purchase and install a raw water flow meter, 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:	\$1,000	TOTAL	\$69
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Screening Date: 19-Aug-2009	Docket No.: 2009-1374-PWS-E	PCW															
Respondent: Tom Green County Fresh Water Supply District 2	<i>Policy Revision 2 (September 2002)</i>																
Case ID No.: 38222	<i>PCW Revision October 30, 2008</i>																
Reg. Ent. Reference No.: RN101426047																	
Media [Statute]: Public Water Supply																	
Enf. Coordinator: Rebecca Clausewitz																	
Violation Number: 2																	
Rule Cite(s):	30 Tex. Admin. Code § 290.46(f)(3)(B)(v)																
Violation Description:	Failed to maintain records of the monthly calibration conducted on the on-line turbidimeters.																
Base Penalty:		\$1,000															
>> Environmental, Property and Human Health Matrix																	
OR	Release	Harm															
		Major Moderate Minor															
	Actual		Percent <input type="text" value="0%"/>														
	Potential																
>> Programmatic Matrix																	
	Falsification	Major Moderate Minor															
			Percent <input type="text" value="1%"/>														
Matrix Notes	Less than 30% of the rule requirements were not met.																
Adjustment:		\$990															
			\$10														
Violation Events																	
	Number of Violation Events: <input type="text" value="1"/>	<input type="text" value="75"/>	Number of violation days														
mark only one with an x	<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 style="text-align: center;"><input checked="" type="checkbox"/></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="checkbox"/>		Violation Base Penalty <input type="text" value="\$10"/>
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"/>																
One single event is recommended.																	
Good Faith Efforts to Comply		0.0% Reduction	\$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)															
Notes	The Respondent does not meet the good faith criteria for this violation.																
Violation Subtotal:			\$10														
Economic Benefit (EB) for this violation		Statutory Limit Test															
Estimated EB Amount:	<input type="text" value="\$1"/>	Violation Final Penalty Total:	<input type="text" value="\$11"/>														
This violation Final Assessed Penalty (adjusted for limits):			\$50														

Economic Benefit Worksheet

Respondent: Tom Green County Fresh Water Supply District 2
Case ID No.: 38222
Reg. Ent. Reference No.: RN101426047
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$25	5-Jun-2009	10-Apr-2010	0.85	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to begin maintaining a record keeping system for the on-line turbidimeter calibration records, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [t] 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

\$25

TOTAL

\$1

Screening Date: 19-Aug-2009 **Docket No.:** 2009-1374-PWS-E **PCW**
Respondent: Tom Green County Fresh Water Supply District 2 *Policy Revision 2 (September 2002)*
Case ID No.: 38222 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN101426047
Media [Statute]: Public Water Supply
Enf. Coordinator: Rebecca Clausewitz

Violation Number: 3
Rule Cite(s): 30-Tex. Admin. Code § 290.46(j)
Violation Description: Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction. Specifically, on the date of the investigation it was noted that the Respondent had not fully completed the customer service inspection certificate for the new construction on the corner of Holland and First Street prior to providing that connection with water service.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events: 1 75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended based on the location where the customer service inspection certificate was not fully completed.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$6 Violation Final Penalty Total \$108

This violation Final Assessed Penalty (adjusted for limits) \$108

Economic Benefit Worksheet

Respondent: Tom Green County Fresh Water Supply District 2
Case ID No.: 38222
Reg. Ent. Reference No.: RN101426047
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

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)	\$100	5-Jun-2009	30-Apr-2010	0.90	\$0	\$6	\$6
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount to ensure all customer service inspection certificate forms are fully completed after customer service inspections are completed, 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	\$100	TOTAL	\$6
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Screening Date	19-Aug-2009	Docket No.	2009-1374-PWS-E	PCW	
Respondent	Tom Green County Fresh Water Supply District 2			Policy Revision 2 (September 2002)	
Case ID No.	38222			PCW Revision October 30, 2008	
Reg. Ent. Reference No.	RN101426047				
Media [Statute]	Public Water Supply				
Enf. Coordinator	Rebecca Clausewitz				
Violation Number	4				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(A)				
Violation Description	Failed to inspect each of the Facility's ground storage tanks on an annual basis. Specifically, on the date of the investigation it was noted that most recent inspections conducted on the Facility's three ground storage tanks were conducted in 2007.				
		Base Penalty	\$1,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Harm Moderate	Minor	
	Actual				
	Potential		x		Percent 10%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0%
Matrix Notes	Failure to inspect the ground storage tanks on an annual basis could result in non-detection of tank defects resulting in a loss of tank integrity which could expose customers of the Facility to significant amounts of contaminants, which would not exceed levels protective of human health.				
		Adjustment	\$900		
			\$100		
Violation Events					
	Number of Violation Events	3	Number of violation days	365	
mark only one with an x	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual	x			
	single event				
			Violation Base Penalty	\$300	
Three annual events are recommended (one event per tank), calculated for the twelve months preceding the investigation date of June 5, 2009.					
Good Faith Efforts to Comply					
	0.0% Reduction			\$0	
	Before NOV	NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.				
		Violation Subtotal	\$300		
Economic Benefit (EB) for this violation					
	Estimated EB Amount	\$158	Statutory Limit Test		
			Violation Final Penalty Total	\$324	
			This violation Final Assessed Penalty (adjusted for limits)	\$324	

Economic Benefit Worksheet

Respondent: Tom Green County Fresh Water Supply District 2
Case ID No.: 38222
Reg. Ent. Reference No.: RN101428047
Media: Public Water Supply
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item 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	\$150	5-Jun-2008	5-Jun-2009	1.00	\$8	\$150	\$158
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 cost includes the estimated amount to conduct annual inspections on the Facility's three ground storage tanks, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$150

TOTAL

\$158

Screening Date: 19-Aug-2009 **Docket No.:** 2009-1374-PWS-E **PCW**
Respondent: Tom Green County Fresh Water Supply District 2 *Policy Revision 2 (September 2002)*
Case ID No.: 38222 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN101428047
Media [Statute]: Public Water Supply
Enf. Coordinator: Rebecca Clausewitz
Violation Number: 5
Rule Cite(s): 30 Tex. Admin. Code § 290.46(m)(1)(B)
Violation Description: Failed to inspect the Facility's pressure tank on an annual basis. Specifically, on the date of the investigation it was noted that that the most recent inspection records conducted on the Facility's one pressure tank was conducted in 2007.
Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Matrix Notes: Failure to inspect the pressure tank on an annual basis could result in non-detection of a tank defect resulting in a loss of tank integrity which would expose customers of the Facility to significant amounts of contaminants, which would exceed levels protective of human health.

Adjustment: \$750

\$250

Violation Events

Number of Violation Events: 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 checked="" type="checkbox"/>
single event	<input type="checkbox"/>

Violation Base Penalty: \$250

One annual event is recommended, calculated for the twelve months preceding the investigation date of June 5, 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: \$250

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

Estimated EB Amount: \$53 **Violation Final Penalty Total:** \$270

This violation Final Assessed Penalty (adjusted for limits): \$270

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Reg. Ent. Reference No. RN101426047
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
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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	\$50	5-Jun-2008	5-Jun-2009	1.00	\$3	\$50	\$53
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 cost includes the estimated amount to conduct an annual inspection on the Facility's one pressure tank, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$50

TOTAL:

\$53

Screening Date	19-Aug-2009	Docket No.	2009-1374-PWS-E	PCW
Respondent	Tom Green County Fresh Water Supply District 2			Policy Revision 2 (September 2002)
Case ID No.	38222			PCW Revision October 30, 2008
Reg. Ent. Reference No.	RN101426047			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Rebecca Clausewitz			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(n)(2)			
Violation Description	Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, on the date of the investigation it was noted that maps of the distribution system that were made available were not up-to-date and did not note the locations of isolation valves.			
		Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	x	<input type="text"/>
		Percent	5%	
Matrix Notes	Between 30% and 70% of the rule requirement was not met.			
		Adjustment	\$950	
				\$50
Violation Events				
	Number of Violation Events	1	Number of violation days	75
mark only one with an x	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	\$50	
	One single event is recommended.			
Good Faith Efforts to Comply				
	0.0% Reduction			\$0
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$50	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$14	Violation Final Penalty Total	\$54
			This violation Final Assessed Penalty (adjusted for limits)	\$54

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Reg. Ent. Reference No. RN101426047
Media Public Water Supply
Violation No. 6

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

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)	\$200	5-Jun-2009	31-May-2010	0.99	\$1	\$13	\$14
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the maps of the distribution system, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

\$14

Screening Date: 19-Aug-2009	Docket No.: 2009-1374-PWS-E	PCW
Respondent: Tom Green County Fresh Water Supply District 2	Policy Revision 2 (September 2002)	
Case ID No.: 38222	PCW Revision October 30, 2009	
Reg. Ent. Reference No.: RN101426047		
Media [Statute]: Public Water Supply		
Enf. Coordinator: Rebecca Clausewitz		
Violation Number: 7		
Rule Cite(s):	30 Tex. Admin. Code § 290.46(s)(2)(B)(iv)	
Violation Description:	Failed to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit.	
Base Penalty:	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes: Failure to check the calibration of the on-line turbidmeter once each week could affect maintenance of the disinfectant level in the water supplied to the customers of the Facility, exposing the customers to significant amounts of contaminants, which would not exceed levels that are protective of human health.

Adjustment: \$900

\$100

Violation Events

		1	75	Number of violation days
mark only one with an x	daily			Violation Base Penalty
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			\$100

One quarterly event is recommended, calculated from the date of the investigation, June 5, 2009, to the date of case screening, August 19, 2009.

Good Faith Efforts to Comply

	0.0%	Reduction	\$0
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary			
Ordinary			
N/A	X	(mark with x)	
Notes:	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal:	\$100		

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$116 Violation Final Penalty Total: \$108

This violation Final Assessed Penalty (adjusted for limits): \$108

Economic Benefit Worksheet

Respondent: Tom Green County Fresh Water Supply District 2
Case ID No.: 38222
Reg. Ent. Reference No.: RN101426047
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
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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]	\$110	5-Jun-2009	19-Aug-2009	1.12	\$6	\$110	\$116
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to check the calibration of the on-line turbidimeters at least once each week (\$10 per week), calculated from the date of the investigation to the date of case screening.

Approx. Cost of Compliance

\$110

TOTAL

\$116

Screening Date	19-Aug-2009	Docket No.	2009-1374-PWS-E	PCW
Respondent	Tom Green County Fresh Water Supply District 2			Policy Revision 2 (September 2002)
Case ID No.	38222			PCW Revision October 30, 2008
Reg. Ent. Reference No.	RN101426047			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Rebecca Clausewitz			

Violation Number	8
Rule Cite(s)	30 Tex. Admin. Code § 290.42(c)(1)
Violation Description	Failed to complete the minimum level of required treatment to the water source prior to the water entering the distribution system. Specifically, the wells used by the Respondent have been determined to be ground-water under the influence of surface water which requires a minimum treatment that consists of coagulation with filtration and adequate disinfection. On the date of the investigation, it was documented that coagulant was not being added to the raw water prior to filtration.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="25%"/>	
	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"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes
Failure to add coagulant could result in incomplete disinfection of the water supplied to the customers of the Facility, including the failure to inactivate Cryptosporidium and Giardia, causing customers to be exposed to significant amounts of contaminants, which would exceed levels protective of human health.

Adjustment

Violation Events

	<input type="text" value="3"/>	<input type="text" value="75"/>	Number of violation days
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$750"/>
	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"/>		

Three monthly events are recommended, calculated from the date of the investigation, June 5, 2009, to the date of case screening, August 19, 2009.

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"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	{mark with x}	
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Tom Green County Fresh Water Supply District 2
Case ID No.: 38222
Reg. Ent. Reference No.: RN101426047
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

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)	\$1,000	5-Jun-2009	10-Apr-2010	0.85	\$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 cost includes the estimated amount to purchase and begin adding coagulant to the raw water prior to filtration, 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

\$1,000

TOTAL

\$59

Compliance History Report

Customer/Respondent/Owner-Operator: CN600740302 Tom Green County Fresh Water Supply District 2 Classification: Rating:

Regulated Entity: RN101426047 Tom Green County FWSD 2 Christoval Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING REGISTRATION LICENSE 2260004 2260004

Location: 508 Anson, Christoval, Tom Green County, Texas

TCEQ Region: REGION 08 - SAN ANGELO

Date Compliance History Prepared: August 20, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 20, 2004 to August 20, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
 Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

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

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.
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	10/13/2004	(337525)
2	06/01/2005	(393255)
3	12/05/2005	(437716)
4	05/09/2006	(464510)
5	02/20/2007	(540158)
6	03/23/2007	(554589)
7	07/15/2007	(645314)
8	10/01/2007	(645946)
9	07/27/2009	(760965)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	06/01/2005	(393255)	Classification:	Minor
Self Report?	NO			
Citation:	30 TAC Chapter 290, SubChapter D 290.44(c)			
Description:	Failure to upgrade portions of the distribution system with lines sized to provide adequate flow and pressure under all conditions.			

Date: 05/09/2006 (464510)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(c)
Description: Failure to upgrade portions of the distribution system with lines sized to provide adequate flow and pressure under all conditions.

Date: 02/20/2007 (540158)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(c)
Description: Failure to upgrade portions of the distribution system with lines sized to provide adequate flow and pressure under all conditions.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(5)
30 TAC Chapter 290, SubChapter D 290.44(d)(6)
Description: Failure to provide sufficient valves and blow-offs so that necessary repairs can be made without undue interruption of service and failure to equip a 6 inch unused line with a flush valve to prevent inadequately disinfected and/or stagnant water.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.44(c)
Description: Failure to upgrade portions of the distribution system with lines sized to provide adequate flow and pressure under all conditions.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
Description: Failure to maintain a thorough plant operations manual.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failure to employ an operator who has completed the Surface Water Unit II course.

Date: 07/15/2007 (645314)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
Description: BACT - MONITORING/REPORTING VIOLATIONS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
Description: PUBLIC NOTICE

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
TOM GREEN COUNTY FRESH
WATER SUPPLY DISTRICT 2
RN101426047**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1374-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 Tom Green County Fresh Water Supply District 2 ("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 at 508 Anson in Christoval, Tom Green County, Texas (the "Facility") that has approximately 237 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 1, 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 Five Hundred Thirty-Four Dollars (\$2,534) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Sixty-Nine Dollars (\$169) of the administrative penalty and Five Hundred Six Dollars (\$506) 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 One Thousand Eight Hundred Fifty-Nine Dollars (\$1,859) of the administrative penalty shall be payable in eleven (11) monthly payments of One Hundred Sixty-Nine Dollars (\$169) 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 provide a flow measuring device for the raw water supplied to the treatment facility, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(5), as documented during an investigation conducted on June 5, 2009.
2. Failed to maintain records of the monthly calibration conducted on the on-line turbidimeters, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(v), as documented during an investigation conducted on June 5, 2009.
3. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on June 5, 2009.

4. Failed to inspect each of the Facility's ground storage tanks on an annual basis, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on June 5, 2009.
5. Failed to inspect the Facility's pressure tank on an annual basis, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on June 5, 2009.
6. Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during an investigation conducted on June 5, 2009.
7. Failed to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv), as documented during an investigation conducted on June 5, 2009.
8. Failed to complete the minimum level of required treatment to the water source prior to the water entering the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.42(c)(1), as documented during an investigation conducted on June 5, 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: Tom Green County Fresh Water Supply District 2, Docket No. 2009-1374-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 10 days after the effective date of this Agreed Order:

- i. Begin maintaining a record keeping system for the on-line turbidimeter calibration records, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Begin checking the calibration of the on-line turbidimeters at least once each week, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Begin properly treating the raw water by adding coagulant prior to filtration to ensure that the minimum level of required treatment is occurring prior to the water entering the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- b. Within 30 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;
 - ii. Develop and begin utilizing a customer service inspection program to ensure that certificates are issued prior to providing continuous water service to new construction, on any existing service when there is reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to private water distribution facilities, and complete a customer service inspection and issue a certificate for the new construction on the corner of Holland and First Street, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Conduct annual inspections of the Facility's three ground storage tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Conduct an annual inspection of the Facility's one pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. Within 60 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.ii through 2.b.iv;
 - ii. Install a flow measuring device on the raw water line prior to any treatment and begin utilizing that flow meter to record raw water flow rates, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - iii. Update and begin maintaining the map of the distribution system so that all mains and valves, including the Facility's isolation valves, are included on the map, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 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.c.ii and iii. 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
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

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 Szolner

For the Executive Director

Date 1/29/2010

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.

Russell New Davis

Signature

Date 11/11/09

ROSS SCHROEDER New Davis

Name (Printed or typed)
Authorized Representative of
Tom Green County Fresh Water Supply District 2

PRES., Tom GREEN

Title FRESH WATER DISTR.#2

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.

