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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2009-2032-PWS-E **TCEQ ID:** RN101196368 **CASE NO.:** 38851  
**RESPONDENT NAME:** Reagan County Water Supply District

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMEDIATE AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Reagan County WSD, 603 East 2nd Street, Big Lake, Reagan County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 19, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, R-13, (210) 403-4012; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Tommy Holt, President, Reagan County Water Supply District, P.O. Box 429, Big Lake, Texas 76932  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 7, 2009</p> <p><b>Date of NOE Relating to this Case:</b> November 12, 2009</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to protect all wells with intruder-resistant fences which have gates that are locked during periods of darkness or when the well is unattended [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>2) Failure to seal all wellheads and pump bases with a gasket or sealing compound and failure to provide well casing vents that are covered with a 16-mesh or finer corrosion-resistant screen, face downward, and are elevated so as to minimize the drawing of contaminants into the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p>3) Failure to post a legible sign at each production, treatment, and storage facility that is in plain view of the public and includes the name of the water supply and an emergency telephone number where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>4) Failure to securely install all water system electrical wiring in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>5) Failure to maintain an up-to-date chemical and microbiological monitoring plan which identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the</p>	<p><b>Total Assessed:</b> \$35,122</p> <p><b>Total Deferred:</b> \$7,024  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$28,098</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. As of October 8, 2009, the Respondent locked the gates of intruder-resistant fences protecting Well Nos. 6 and 10;</p> <p>b. On December 30, 2009, the Respondent provided plans and specifications for the two raw water storage tanks and the three treated water storage tanks at the Facility; and</p> <p>c. On January 6, 2010, the Respondent began collecting one raw water bacteriological sample from each active well per month in accordance with the sanitary control easement exception approval letter.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, continue collecting one raw water sample for testing for total coliform, fecal coliform, E. coli, and other fecal indicator organisms at each active well location as directed by the August 1, 2001 letter granting an exception to the sanitary control easement requirement for the Facility's wells. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Securely install all water system electrical wiring in compliance with a local or national electrical code;</p> <p>ii. Update the Facility's chemical and microbiological monitoring plan so that it identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements;</p>

<p>Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>6) Failure to provide an overflow on the ground storage tank that is designed in strict accordance with American Water Works Association ("AWWA") standards, which includes a gravity-hinged and weighted cover which fits tightly and is without a gap in excess of 1/16<sup>th</sup> of an inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>7) Failure to maintain the ground storage tank in strict accordance with AWWA standards, which includes equipping the roof vent with a 16-mesh or finer corrosion resistant screen [30 TEX. ADMIN. CODE § 290.43(c)(1)].</p> <p>8) Failure to maintain all water system operating records in an organized manner so that they are accessible for review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(1), (f)(2), (f)(3)(B)(v), (f)(3)(C)(i), (f)(3)(D)(i), and (f)(3)(E)(ii)].</p> <p>9) Failure to maintain as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank on file at the Facility and available to the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(n)(1)].</p> <p>10) Failure to collect samples for total coliform, fecal coliform, E. coli, and other fecal indicator organisms at locations and frequencies as directed by the Commission's Executive Director [30 TEX. ADMIN. CODE § 290.109(c)].</p> <p>11) Failure to notify the Commission's Executive Director prior to making any significant change to the system's production, treatment, storage, pressure maintenance, or distribution facilities [30 TEX. ADMIN. CODE § 290.39(j)(1)(A)].</p>		<p>iii. Ensure the overflow cover on the northwest one million gallon treated water storage tank fits tightly and is without a gap in excess of 1/16<sup>th</sup> of an inch;</p> <p>iv. Equip the roof vent of the northeast one million gallon treated water storage tank with a 16-mesh or finer corrosion resistant screen that meets AWWA standards; and</p> <p>v. Notify the Commission's Executive Director regarding the status of Well No. 4 and the current water production of the Facility.</p> <p>c. Within 60 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 b;</p> <p>ii. Ensure that a legible sign is posted at each production, treatment, and storage facility that is in plain view of the public and includes the name of the water supply and an emergency telephone number where a responsible official can be contacted; and</p> <p>iii. Begin maintaining an organized record keeping system and submit for review the following operating records for the Facility: calibration records for the well meters, the approval letter granting exceptions to the sanitary easement requirement, microbiological analysis results, and chemical analysis results.</p> <p>d. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation such as photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.ii. and c.iii;</p> <p>ii. Seal all wellheads and pump bases with a gasket or sealing compound and provide well casing vents for all wells that are covered with a 16-mesh or finer corrosion-resistant screen, face downward, and are elevated so as minimize the drawing of contaminants into the well; and</p> <p>iii. Begin maintaining a record keeping system and submit for review the as-built plans or record drawings and</p>
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		<p>specifications for the three raw water service pumps. These plans and specifications shall be maintained on file at the Facility so that they can be made available to Commission's Executive Director upon request.</p> <p>e. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation such as photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions d.ii and iii.</p> <p>f. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation such as photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>
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Additional ID No: PWS ID No. 1920007



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	16-Nov-2009	<b>Screening</b>	4-Dec-2009	<b>EPA Due</b>	
	<b>PCW</b>	10-Dec-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Reagan County Water Supply District		
<b>Reg. Ent. Ref. No.</b>	RN101196368		
<b>Facility/Site Region</b>	8-San Angelo	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	38851	<b>No. of Violations</b>	11
<b>Docket No.</b>	2009-2032-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Clausewitz
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

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

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

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

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

**Notes**

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

**Notes**

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

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

Total EB Amounts   
Approx. Cost of Compliance  \*Capped at the Total EB \$ Amount

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

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

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

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101196368

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)	3	15%
	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 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) 15%

>> 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 three prior Notices of Violation (NOVs) containing violations that are the same as or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101196368

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(O)

Violation Description

Failed to protect all wells with intruder-resistant fences which have gates that are locked during periods of darkness or when the well is unattended. Specifically, on the date of the investigation, Well No. 6 was found to have an unsecured lock on the gate and there was no lock on the gate at Well No. 10.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have locked gates at the well sites would make the Facility vulnerable to trespassers, causing consumers of the water to be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$500

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

Good Faith Efforts to Comply

	25.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

\$125

Notes The Respondent achieved compliance with this violation as of October 8, 2009.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

## Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District  
**Case ID No.** 38851  
**Reg. Ent. Reference No.** RN101196368  
**Media** Public Water Supply  
**Violation No.** 1

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

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

**Delayed Costs**

Equipment	\$35	7-Oct-2009	8-Oct-2009	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

The delayed cost includes the estimated amount to secure the lock on Well No. 6 and to purchase and install a lock for Well No.10, calculated from the date of the investigation to the 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

\$35

**TOTAL**

\$0

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101196368

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description Failed to seal all wellheads and pump bases with a gasket or sealing compound and failure to provide well casing vents that are covered with a 16-mesh or finer corrosion-resistant screen, face downward, and are elevated so as minimize the drawing of contaminants into the well. Specifically, on the date of the investigation, there were holes in the covers of the well casings at Well Nos. 1, 5, 8, 9, 10, 11, 12, 16, and 17, the air vents at Well Nos. 2 and 7 were broken off, the air vents at Well Nos. 3, 8, 17, and 18 did not have proper screens in place, and an air vent was absent from Well No. 10.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes

Failure to ensure that all wellheads, pump bases, and well vents are in place and properly sealed or screened to prevent dust, insects, and other debris from entering the wells could result in consumers of the water being exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 13 Number of violation days 58

Table for marking violation frequency: daily, weekly, monthly, quarterly (marked with x), semiannual, annual, single event.

Violation Base Penalty \$3,250

Thirteen quarterly events are recommended (one event per well site), calculated from the date of the investigation, October 7, 2009, to the date of case screening, December 4, 2009.

Good Faith Efforts to Comply

Table for Good Faith Efforts to Comply with columns: Reduction (0.0%), Before NOV, and NOV to ED/PRP/Settlement Offer.

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

Violation Subtotal \$3,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$194

Statutory Limit Test

Violation Final Penalty Total \$3,738

This violation Final Assessed Penalty (adjusted for limits) \$3,738

## Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District  
**Case ID No.** 38851  
**Reg. Ent. Reference No.** RN101196368  
**Media** Public Water Supply  
**Violation No.** 2

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,600	7-Oct-2009	31-Oct-2010	1.07	\$9	\$185	\$194
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the estimated amount to repair or replace all necessary equipment on Well Nos. 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 16, 17, and 18 (approximately \$200 per well), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$2,600
**TOTAL** \$194

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101196368

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

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

Violation Description Failed to post a legible sign at each production, treatment, and storage facility that is in plain view of the public and includes the name of the water supply and an emergency telephone number where a responsible official can be contacted. Specifically, on the date of the investigation, the sign at the north gate of the main facility was very faded and had an incorrect area code and none of the 19 well sites had a sign posted.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

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

Adjustment \$750

\$250

Violation Events

Number of Violation Events 20 Number of violation days 58

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$5,000

Twenty single events are recommended (one event per site).

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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$69

Violation Final Penalty Total \$5,750

This violation Final Assessed Penalty (adjusted for limits) \$5,750

# Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District

**Case ID No.** 38851

**Reg. Ent. Reference No.** RN101196368

**Media** Public Water Supply

**Violation No.** 3

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	7-Oct-2009	30-Sep-2010	0.98	\$3	\$65	\$69
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 20 signs, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,000

**TOTAL**

\$69

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101196368

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

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

Violation Description Failed to securely install all water system electrical wiring in compliance with a local or national electrical code. Specifically, on the date of the investigation, the electrical wiring at Well Nos. 2 and 9 was exposed and not in a conduit.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					50%
Potential	x				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Exposed wiring could present a hazard to Facility employees or could cause an electrical short which could result in outages, causing consumers of the water to be exposed to significant amounts of contaminants which would exceed levels that are protective of human health.

Adjustment \$500

\$600

Violation Events

Number of Violation Events 4 Number of violation days 58

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Four monthly events are recommended (two events per well), calculated from the date of the investigation, October 7, 2009, to the date of case screening, December 4, 2009.

Good Faith Efforts to Comply

	0.0% Reduction	
	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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$2,300

This violation Final Assessed Penalty (adjusted for limits) \$2,300

# Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District  
**Case ID No.** 38851  
**Reg. Ent. Reference No.** RN101196368  
**Media** Public Water Supply  
**Violation No.** 4

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$200	7-Oct-2009	31-Aug-2010	0.90	\$1	\$12	\$13
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 install the wires at Well Nos. 2 and 9 in a conduit, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (Empty box for notes)

**Approx. Cost of Compliance** **TOTAL**  
\$200 \$13

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196368

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

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

Violation Description Failed to maintain an up-to-date chemical and microbiological monitoring plan which identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, on the date of the investigation, the monitoring plan did not clearly describe the sampling frequency for chemical testing and also did not specify the frequency, locations, and analytical procedures and laboratories that will be used to comply with the bacteriological monitoring requirements.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10%).

Matrix Notes Between 30% and 70% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 58

Table for frequency selection: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

Table for Good Faith Efforts: Reduction (0.0%), Before NOV, NOV to EDCRP/Settlement Offer, Extraordinary, Ordinary, N/A (marked 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 \$8

Violation Final Penalty Total \$115

This violation Final Assessed Penalty (adjusted for limits) \$115

## Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District  
**Case ID No.** 38851  
**Reg. Ent. Reference No.** RN101198368  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	7-Oct-2009	31-Aug-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 update the Facility's monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196368

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

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

Violation Description

Failed to provide an overflow on the ground storage tank that is designed in strict accordance with American Water Works Association ("AWWA") standards, which includes a gravity-hinged and weighted cover which fits tightly and is without a gap in excess of 1/16th of an inch. Specifically, on the date of the investigation, it was noted that the cover on the overflow of the northwest one million gallon treated water storage tank did not fit tightly and had a gap of approximately one-quarter of an inch.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

An excessive gap on the cover of the overflow could allow insects, dirt, and other debris to enter the distribution system, causing consumers of the water to be exposed to insignificant amounts of contaminants which do not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 58

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
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

Estimated EB Amount \$3

Statutory Limit Test

Violation Final Penalty Total \$115

This violation Final Assessed Penalty (adjusted for limits) \$115

# Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District  
**Case ID No.** 38851  
**Reg. Ent. Reference No.** RN101196368  
**Media** Public Water Supply  
**Violation No.** 8

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$50	7-Oct-2009	31-Aug-2010	0.90	\$0	\$3	\$3
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 repair the flap on the overflow of the storage tank to ensure that the gap is no larger than 1/16th of an Inch, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$3

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101196368

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 280.43(c)(1)

Violation Description Failed to maintain the ground storage tank in strict accordance with American Water Works Association ("AWWA") standards, which includes equipping the roof vent with a 16-mesh or finer corrosion resistant screen. Specifically, on the date of the investigation, it was noted that the roof vent on the northeast one million gallon treated water storage tank was not screened.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes Failure to have the proper screening in place on the roof vent of the treated water tank could allow contaminants such as insects, dirt, and debris to enter the water system, causing consumers of the water to be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Form for Violation Events including frequency selection (quarterly marked with x) and number of violation days (58).

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, October 7, 2009, to the date of case screening, December 4, 2009.

Good Faith Efforts to Comply

Table for Good Faith Efforts to Comply with columns: Reduction (0.0%), Before NOV, NOV to EDRP/Settlement Offer, and rows: Extraordinary, Ordinary, N/A.

\$0

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Estimated EB Amount \$2

Statutory Limit Test

Violation Final Penalty Total \$288

This violation Final Assessed Penalty (adjusted for limits) \$288

# Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District

**Case ID No.** 38851

**Reg. Ent. Reference No.** RN101196368

**Media** Public Water Supply

**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25	7-Oct-2009	31-Aug-2010	0.90	\$0	\$1	\$2
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 replace the screening on the tank's roof vent, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$2

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101198388

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(1), (f)(2), (f)(3)(B)(v), (f)(3)(C)(i), (f)(3)(D)(I), and (f)(3)(E)(ii)

Violation Description Failed to maintain all water system operating records in an organized manner so that they are accessible for review during inspections. Specifically, on the date of the investigation, several records were not available for review including: calibration records for the well meters, the approval letter granting the exceptions to the sanitary easement requirement, microbiological analysis results, and chemical analysis results.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
		X		10%

Matrix Notes

Between 30% and 70% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

	1	58	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.

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

Estimated EB Amount \$5

Statutory Limit Test

Violation Final Penalty Total \$115

This violation Final Assessed Penalty (adjusted for limits) \$115

## Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District  
**Case ID No.** 38851  
**Reg. Ent. Reference No.** RN101196368  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				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	7-Oct-2009	30-Sep-2010	0.98	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and begin maintaining a record keeping system for the Facility's missing records, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196368

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausowitz

Violation Number 9

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

Violation Description

Failed to maintain as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank on file at the Facility and available to the executive director upon request. Specifically, on the date of the investigation, out of the 27 various components of the Facility, plans and specifications for the two raw water storage tanks, the three raw water service pumps, and the three treated water storage tanks were not made available to Commission personnel.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Release	Major	Moderate	
Actual				0%
Potential				

>>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		x		10%

Matrix Notes

30% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 58

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDRP/ Settlement Offer
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 \$21

Violation Final Penalty Total \$115

This violation Final Assessed Penalty (adjusted for limits) \$115

## Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District  
**Case ID No.** 38851  
**Reg. Ent. Reference No.** RN101196368  
**Media** Public Water Supply  
**Violation No.** 9

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

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

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	\$400	7-Oct-2009	31-Oct-2010	1.07	\$21	n/a	\$21
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 develop a record keeping system to maintain all Facility plans and specifications, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$21

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196368

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 290.109(c)

Violation Description

Failed to collect samples for total coliform, fecal coliform, E. coll, and other fecal indicator organisms at locations and frequencies as directed by the Commission's Executive Director. Specifically, in a letter to the Respondent dated August 1, 2001, the Executive Director approved the Respondent's exception requests to the sanitary easement requirement for its 19 wells, contingent upon the submission of one raw water bacteriological sample from each active well per month. It was discovered at the time of the investigation, that no monthly sampling has been performed at each well site in accordance with the sanitary control easement exception approval letter.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					50%
Potential	x				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to monitor the wells for fecal indicator organisms could prevent the Respondent from becoming aware of well contamination and could allow consumers of the water to be exposed to significant amounts of bacteriological contaminants which would exceed levels that are protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 38 Number of violation days 58

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$19,000

Thirty-eight monthly events are recommended (two monthly events per well), calculated from the date of the investigation, October 7, 2009, to the date of case screening, December 4, 2009.

Good Faith Efforts to Comply

	0.0% Reduction	
	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 \$19,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,001

Violation Final Penalty Total \$21,850

This violation Final Assessed Penalty (adjusted for limits) \$21,850

## Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District  
**Case ID No.** 38851  
**Reg. Ent. Reference No.** RN101198368  
**Media** Public Water Supply  
**Violation No.** 10

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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				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]	\$950	7-Oct-2009	4-Dec-2009	1.08	\$51	\$950	\$1,001
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to perform microbiological monitoring on each of the 19 wells covered by the sanitary control easement exception for two months (38 total samples), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$950

**TOTAL**

\$1,001

Screening Date 4-Dec-2009

Docket No. 2009-2032-PWS-E

PCW

Respondent Reagan County Water Supply District

Policy Revision 2 (September 2002)

Case ID No. 38851

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101196368

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.39(j)(1)(A)

Violation Description

Failed to notify the Commission's Executive Director prior to making any significant change to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, the Respondent ceased using Well No. 4 and caused a change to the Facility's water production without notifying the Commission.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 58

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Estimated EB Amount \$3

Statutory Limit Test

Violation Final Penalty Total \$288

This violation Final Assessed Penalty (adjusted for limits) \$288

## Economic Benefit Worksheet

**Respondent** Reagan County Water Supply District  
**Case ID No.** 38851  
**Reg. Ent. Reference No.** RN101196368  
**Media** Public Water Supply  
**Violation No.** 11

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$60	7-Oct-2009	31-Aug-2010	0.90	\$0	\$3	\$3
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to notify the Commission of the reduction in production at the Facility through the decommissioning of Well No. 4, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600695902 Reagan County Water Supply District Classification: Rating:  
Regulated Entity: RN101196368 REAGAN COUNTY WSD Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1920007  
Location: 603 E 2ND ST, BIG LAKE, REAGAN COUNTY, TX  
TCEQ Region: REGION 08 - SAN ANGELO  
Date Compliance History Prepared: December 04, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: December 04, 2004 to December 04, 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 06/29/2007 (563813)
  - 2 08/06/2007 (571032)
  - 3 09/07/2007 (593674)
  - 4 11/14/2007 (601123)
  - 5 04/10/2008 (670359)
  - 6 04/25/2008 (681054)
  - 7 11/12/2009 (777337)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/29/2007 (563813)	CN600695902
Self Report? NO	Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(10)	
30 TAC Chapter 290, SubChapter D 290.43(c)(2)	
Description: Failure to provide at least a 30 inch diameter hatch in two ground storage tanks.	
Self Report? NO	Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)	
Description: Failure to maintain the cover on an overflow.	

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D)  
Description: Failure to exclude cattle at least 50 feet from water supply wells.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)  
Description: Failure to secure the wells.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)  
Description: Failure to notify TCEQ prior to making significant changes to the water production.

Date: 04/10/2008 (670359) CN600695902  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)  
Description: BACT - MONITORING/REPORTING VIOLATIONS

Date: 04/25/2008 (681054) CN600695902  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)  
Description: BACT - MONITORING/REPORTING VIOLATIONS

- 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  
REAGAN COUNTY WATER SUPPLY  
DISTRICT  
RN101196368**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-2032-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 Reagan County Water Supply District ("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 603 East 2nd Street in Big Lake, Reagan County, Texas (the "Facility") that has one wholesale master meter connection which services 1,359 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 November 17, 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 Thirty-Five Thousand One Hundred Twenty-Two Dollars (\$35,122) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Eight Thousand Ninety-Eight Dollars (\$28,098) of the administrative penalty and Seven Thousand Twenty-Four Dollars (\$7,024) 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. 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 recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. As of October 8, 2009, the Respondent locked the gates of intruder-resistant fences protecting Well Nos. 6 and 10;
  - b. On December 30, 2009, the Respondent provided plans and specifications for the two raw water storage tanks and the three treated water storage tanks at the Facility; and
  - c. On January 6, 2010, the Respondent began collecting one raw water bacteriological sample from each active well per month in accordance with the sanitary control easement exception approval letter.
9. 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.
10. 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.
11. 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 protect all wells with intruder-resistant fences which have gates that are locked during periods of darkness or when the well is unattended, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on October 7, 2009.
2. Failed to seal all wellheads and pump bases with a gasket or sealing compound and failure to provide well casing vents that are covered with a 16-mesh or finer corrosion-resistant screen, face downward, and are elevated so as to minimize the drawing of contaminants into the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), as documented during an investigation conducted on October 7, 2009.
3. Failed to post a legible sign at each production, treatment, and storage facility that is in plain view of the public and includes the name of the water supply and an emergency telephone number where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t), as documented during an investigation conducted on October 7, 2009.

4. Failed to securely install all water system electrical wiring in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v), as documented during an investigation conducted on October 7, 2009.
5. Failed to maintain an up-to-date chemical and microbiological monitoring plan which identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during an investigation conducted on October 7, 2009.
6. Failed to provide an overflow on the ground storage tank that is designed in strict accordance with American Water Works Association ("AWWA") standards, which includes a gravity-hinged and weighted cover which fits tightly and is without a gap in excess of 1/16<sup>th</sup> of an inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on October 7, 2009.
7. Failed to maintain the ground storage tank in strict accordance with AWWA standards, which includes equipping the roof vent with a 16-mesh or finer corrosion resistant screen, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1), as documented during an investigation conducted on October 7, 2009.
8. Failed to maintain all water system operating records in an organized manner so that they are accessible for review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(1), (f)(2), (f)(3)(B)(v), (f)(3)(C)(i), (f)(3)(D)(i), and (f)(3)(E)(ii), as documented during an investigation conducted on October 7, 2009.
9. Failed to maintain as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank on file at the Facility and available to the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1), as documented during an investigation conducted on October 7, 2009.
10. Failed to collect samples for total coliform, fecal coliform, E. coli, and other fecal indicator organisms at locations and frequencies as directed by the Commission's Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.109(c), as documented during an investigation conducted on October 7, 2009.
11. Failed to notify the Commission's Executive Director prior to making any significant change to the system's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A), as documented during an investigation conducted on October 7, 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: Reagan County Water Supply District, Docket No. 2009-2032-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. Immediately upon the effective date of this Agreed Order, continue collecting one raw water sample for testing for total coliform, fecal coliform, E. coli, and other fecal indicator organisms at each active well location as directed by the August 1, 2001 letter granting an exception to the sanitary control easement requirement for the Facility's wells, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Securely install all water system electrical wiring in compliance with a local or national electrical code, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Update the Facility's chemical and microbiological monitoring plan so that it identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121;
    - iii. Ensure the overflow cover on the northwest one million gallon treated water storage tank fits tightly and is without a gap in excess of 1/16<sup>th</sup> of an inch, in accordance with 30 TEX. ADMIN. CODE § 290.43;
    - iv. Equip the roof vent of the northeast one million gallon treated water storage tank with a 16-mesh or finer corrosion resistant screen that meets AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
    - v. Notify the Commission's Executive Director regarding the status of Well No. 4 and the current water production of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.39.
  - c. Within 60 days after the effective date of this Agreed Order:

- i. Submit written certification as described in Ordering Provision 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.b;
  - ii. Ensure that a legible sign is posted at each production, treatment, and storage facility that is in plain view of the public and includes the name of the water supply and an emergency telephone number where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46; and
  - iii. Begin maintaining an organized record keeping system and submit for review as directed in Ordering Provision 2.d.i below, the the following operating records for the Facility: calibration records for the well meters, the approval letter granting exceptions to the sanitary easement requirement, microbiological analysis results, and chemical analysis results, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 90 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision 2.f below, and include detailed supporting documentation such as photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.ii. and iii;
  - ii. Seal all wellheads and pump bases with a gasket or sealing compound and provide well casing vents for all wells that are covered with a 16-mesh or finer corrosion-resistant screen, face downward, and are elevated so as minimize the drawing of contaminants into the well, in violation of 30 TEX. ADMIN. CODE § 290.41; and
  - iii. Begin maintaining a record keeping system and submit for review as directed in Ordering Provision 2.e below the as-built plans or record drawings and specifications for the three raw water service pumps. These plans and specifications shall be maintained on file at the Facility so that they can be made available to Commission's Executive Director upon request, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- e. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.f below, and include detailed supporting documentation such as photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.d.ii and iii.
- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation such as photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a. 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 S. Miller*  
For the Executive Director

\_\_\_\_\_  
Date 3/3/2010

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.

*Tommy Holt*  
Signature

\_\_\_\_\_  
Date 2-8-10

Tommy Holt  
Name (Printed or typed)  
Authorized Representative of  
Reagan County Water Supply District

Pres.  
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.

