

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 4  
**DOCKET NO.:** 2009-1939-PWS-E **TCEQ ID:** RN101245520 **CASE NO.:** 38733  
**RESPONDENT NAME:** Midway Petroleum, L.P.

<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> Midway Petroleum, 18321 Highway 105 East, Cleveland, Montgomery 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 26, 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. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Laurie Baves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Naresh K. Mittal, President, Midway Petroleum, L.P., 18321 Highway 105 East, Cleveland, TX 77327  <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> September 3, 2009</p> <p><b>Date of NOE Relating to this Case:</b> November 2, 2009</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to submit "as built" plans and specifications that are prepared by a registered professional engineer [30 TEX. ADMIN. CODE § 290.39(e)].</p> <p>2) Failure to provide a sanitary control easement covering all land within 150 feet of the Facility's well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>3) Failure to provide a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away and not less than 0.25 inches per foot around the well head [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</p> <p>4) Failure to provide a suitable sampling cock on the discharge pipe of each well pump prior to any treatment [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</p> <p>5) Failure to provide the well with a flow measuring device to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>6) Failure to provide a proper cover for the hypochlorination solution container to prevent the entrance of dust, insects and other contaminants [30 TEX. ADMIN. CODE § 290.42(e)(5)].</p>	<p><b>Total Assessed:</b> \$4,603</p> <p><b>Total Deferred:</b> \$920  <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> \$3,683</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Provide a proper covering for the hypochlorination solution container as to prevent the entrance of dust, insects and other contaminants;</p> <p>ii. Submit for review and begin maintaining the following records: the amount of chemicals used each week, the volume of water treated each week, the dates the GST and other facilities were cleaned, and the maintenance records for water system equipment and facilities;</p> <p>iii. Perform an annual inspection of the Facility's GST;</p> <p>iv. Perform an annual inspection of the Facility's pressure tank; and</p> <p>v. Develop a complete and up-to-date chemical and microbiological monitoring plan.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision f and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Provide a suitable sampling cock on the discharge pipe of the well pump;</p> <p>ii. Provide the well with a flow measuring device to measure production yields and provide for the accumulation of water production data;</p> <p>iii. Submit for review and begin maintaining an up-to-date and thorough plant operations manual;</p>

<p>7) Failure to compile and maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(1)].</p> <p>8) Failure to provide a ground storage tank ("GST") that is designed, fabricated, and erected in strict accordance with American Water Works Association ("AWWA") standards with the appropriate appurtenances [30 TEX. ADMIN. CODE § 290.43(c), (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5)].</p> <p>9) Failure to provide all pressure tanks with an easily readable pressure gauge [30 TEX. ADMIN. CODE § 290.43(d)(2)].</p> <p>10) Failure to provide an intruder-resistant fence for all potable water storage tanks and pressure maintenance facilities [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>11) Failure to compile, maintain onsite, and make available for Commission review an up-to-date record of water work operations and maintenance activities for operator review and reference [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(III), 290.46(f)(3)(A)(ii)(III), 290.46(f)(3)(A)(v) and 290.46(f)(3)(A)(vi)].</p> <p>12) Failure to initiate maintenance and housekeeping practices to ensure the grounds and facilities are maintained in a manner to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>13) Failure to perform an annual inspection of the Facility's GST [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>14) Failure to perform annual inspections on the Facility's three pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>15) Failure to maintain all distribution system lines, storage and pressure maintenance facilities, water treatment units, and all related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>16) Failure to provide 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</p>		<p>iv. Provide an intruder-resistant fence around the GST with three strands of barbed wire set at a 45 degree angle;</p> <p>v. Initiate maintenance and housekeeping practices to ensure the grounds and facilities are maintained in a manner to minimize the possibility of harboring of rodents, insects, and other disease contamination in the water, including but not limited to, removing the excessive vegetation on the grounds and eliminate the ponding of water by draining the water from pump house; and</p> <p>vi. Ensure that all electrical wiring is securely installed in compliance with local or national electrical code, including but not limited to, the wiring in front of the water usage meter at the front of the pump house.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Submit "as-built" plans and specifications for the Facility that are prepared by a registered professional engineer;</p> <p>ii. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's well;</p> <p>iii. Provide a concrete sealing block that is sloped to drain away at not less than 0.25 inches per foot around the well head;</p> <p>iv. Provide a GST that is designed, fabricated, and erected in strict accordance with AWWA standards with the appropriate appurtenances, including but not limited to, an access ladder, a roof vent, a roof access opening that meets AWWA standards, an overflow, a liquid level indicator, and inlet and outlet connections designed to prevent short circuiting and stagnation of water;</p> <p>v. Provide the Facility's three pressure tanks with easily readable pressure gauges;</p>
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<p>§ 290.46(n)(2)].</p> <p>17) Failure to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>18) Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p>		<p>vi. Maintain all distribution system lines, water storage and pressure maintenance facilities, and all related appurtenances in a watertight condition, including but not limited to the leaking bladder tank; and</p> <p>vii. Provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.</p> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): PWS ID No. 1700619



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	2-Nov-2009	Screening	5-Nov-2009	EPA Due	
	PCW	5-Nov-2009				

## RESPONDENT/FACILITY INFORMATION

Respondent	Midway Petroleum, L.P.		
Reg. Ent. Ref. No.	RN101245520		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	38733	No. of Violations	18
Docket No.	2009-1939-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeodur
Admin. Penalty \$ Limit Minimum	\$50	EC's Team	Enforcement Team 2
Maximum	\$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**  Subtotals 2, 3, & 7:

Notes:

**Culpability**   Subtotal 4:

Notes:

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

**Economic Benefit**  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 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Adjustment due to one prior Notice of Violation with same or similar violations as those in the current enforcement action and a High Performer Classification.

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

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.39(e)

Violation Description

Failed to submit "as built" plans and specifications that are prepared by a registered professional engineer. Specifically, at the time of the investigation, it was documented that the Respondent failed to submit "as built" plans and specifications prepared by a registered engineer since the Facility was activated as a public water supply.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

65 Number of violation days

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

\$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 \$694

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	3-Sep-2009	31-Aug-2010	0.99	\$33	\$661	\$694
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount necessary to prepare and submit engineering plans, specifications, and reports prepared by a registered professional engineer well versed in public water systems. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance

\$10,000

TOTAL

\$694

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failed to provide a sanitary control easement covering all land within 150 feet of the Facility's well. Specifically, at the time of the investigation, it was documented that the Respondent had not obtained a sanitary control easement from adjacent property owners and had not been granted an exception.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to secure sanitary control easements may expose the source water to an insignificant amount of pollution hazards developed within the easement boundaries which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

65 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment	\$100	8-Sep-2009	31-Aug-2010	0.99	\$0	\$7	\$7
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 necessary to secure sanitary control easements covering land within 150 feet of the well. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$7

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2006

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(J)

Violation Description

Failed to provide a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away and not less than 0.25 inches per foot around the well head. Specifically, at the time of the investigation, it was documented that the concrete sealing block around the well was not sloped at a ratio of 0.25 inches per foot, as evident by water ponding atop the sealing block.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide a proper sealing block could expose the source water to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$800

\$100

Violation Events

Number of Violation Events 1

65 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, September 3, 2009, to the screening date, November 5, 2009.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary	
Ordinary	
N/A	x (mark with x)

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	3-Sep-2009	31-Aug-2010	0.98	\$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 costs include the estimated amount to provide the proper slope for the surface of the well casing. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$14

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(M)

Violation Description

Failed to provide a suitable sampling cock on the discharge pipe of each well pump prior to any treatment. Specifically, at the time of the investigation, it was documented that the Facility did not have a raw water sampling cock.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide a sampling cock on the well discharge line may allow an insignificant amount of undetected contaminated raw water which would not exceed levels protective of human health to enter the Facility for distribution.

Adjustment \$650

\$50

Violation Events

Number of Violation Events 1

85 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

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

Notes

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation.

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	3-Sep-2009	31-Jul-2010	0.91	\$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 estimated amount to provide a suitable sampling tap prior to treatment at the well. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2: September 2002

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linsón-Mgbeoduru

Violation Number 5

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

Violation Description Failed to provide the well with a flow measuring device to measure production yields and provide for the accumulation of water production data. Specifically, at the time of the investigation, it was documented that the Facility did not have a flow measuring device for the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to provide the well with a flow measuring device may not allow the operator to make the necessary production and usage calculations and ensure the proper amount of chemicals are added to the untreated water. As a result, water may be delivered containing a significant amount of pollutants that would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 65 Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, September 3, 2009, to the screening date, November 5, 2009.

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 \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 5

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

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

No commas or \$

**Delayed Costs**

Equipment	\$100	3-Sep-2009	31-Jul-2010	0.91	\$0	\$6	\$6
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 necessary to install a properly functioning flow meter on the well. The date required is the date of the investigation. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(5)

Violation Description Failed to provide a proper cover for the hypochlorination solution container to prevent the entrance of dust, insects and other contaminants. Specifically, at the time of the investigation, it was documented that a opening in the lid for the supply line was large enough to allow for the entrance of dust, insects or other contaminants.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Without proper containment of chemicals, customers of the Facility could be exposed to an insignificant amount of contaminants, which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 65

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

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

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

\$0

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 6

<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)	\$50	3-Sep-2009	30-Jun-2010	0.82	\$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 costs include the estimated amount to properly cover the hypochlorination solution container. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date 5-Nov-2009

Docket No. 2009-1938-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description

Failed to compile and maintain a thorough plant operations manual for operator review and reference. Specifically, at the time of the investigation, it was documented that the Facility did not have a plant operations manual.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

1

65 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 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 \$14

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 7

<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	\$300	3-Sep-2009	31-Jul-2010	0.91	\$14	n/a	\$14
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 compile and maintain a plant operations manual. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$14

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c), (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5)

Violation Description

Failed to provide a ground storage tank ("GST") that is designed, fabricated, and erected in strict accordance with American Water Works Association ("AWWA") standards with the appropriate appurtenances. Specifically, at the time of the investigation, it was documented that the GST was not provided with the following: access ladder, roof vent, roof access opening that meets AWWA standards, an overflow, liquid level indicator, and inlet and outlet connections designed to prevent short circuiting and stagnation of water.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to provide the GST with properly fabricated features may compromise the integrity of the tank and expose customers to a significant amount of contaminants that would exceed levels which are protective of human health.

Adjustment \$750

\$250

Violation Events

	3	65	Number of violation days
mark only one with an x	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Violation Base Penalty \$750

Three monthly events are recommended, calculated from the investigation date, September 3, 2009, to the screening date, November 5, 2009.

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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$187

Violation Final Penalty Total \$785

This violation Final Assessed Penalty (adjusted for limits) \$785

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 8

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

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$2,400	3-Sep-2009	31-Aug-2010	0.99	\$8	\$159	\$167
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 necessary to provide a GST that meets AWWA standards. The date required is the investigation date. The final date is the estimated compliance date.

**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	\$2,400	TOTAL	\$167
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Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2: September 2002

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code § 290.43(d)(2)

Violation Description

Failed to provide all pressure tanks with an easily readable pressure gauge. Specifically, at the time of the investigation, it was documented that the Facility's three pressure tanks did not have a pressure gauge.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide pressure tanks with a pressure gauge would not allow the operator to make necessary adjustments to ensure the Facility is operating at the design pressure. As a result, customers could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 3

65 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$300

Three quarterly events are recommended, based on one quarterly event for each pressure tank, calculated from the investigation date, September 3, 2009, to the screening date, November 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

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$314

This violation Final Assessed Penalty (adjusted for limits) \$314

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$225	3-Sep-2009	31-Aug-2010	0.99	\$1	\$15	\$16
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 install an easily readable gauge (\$75 per gauge x 3 gauges = \$225). The date required is the investigation date. The final date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
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**  
 (This section is currently blank)

**Approx. Cost of Compliance** \$225 **TOTAL** \$16

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 10

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

Violation Description Failed to provide an intruder-resistant fence for all potable water storage tanks and pressure maintenance facilities. Specifically, at the time of the investigation, it was documented that the fence around the GST did not have three strands of barbed wire extending outward from the top of the fence at a 45 degree angle.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to provide an intruder-resistant fence for the wells and ground storage tanks could expose customers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 65

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101246520  
**Media** Public Water Supply  
**Violation No.** 10

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$150	3-Sep-2009	31-Jul-2010	0.91	\$0	\$9	\$10
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 necessary to make the fence around the GST intruder-resistant. The date required is the date of the investigation. The final date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE {1} avoided costs before entering item (except for one-time avoided costs)**

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$150	<b>TOTAL</b>	\$10
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Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(II), 290.46(f)(3)(A)(ii)(III), 290.46(f)(3)(A)(v) and 290.46(f)(3)(A)(vi)

Violation Description

Failed to compile, maintain onsite, and make available for Commission review an up-to-date record of water work operations and maintenance activities for operator review and reference. Specifically, at the time of the investigation, it was documented that the following records were not available for review: the amount of chemicals used each week, the volume of water treated each week, the dates the GST and other facilities were cleaned, and the maintenance records for water system equipment and facilities.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1%
The Respondent failed to meet 10-20% of the rule requirement.					

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 85 Number of violation days

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

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction		\$0
Extraordinary	Before NOV	NOV to EOPRP/Settlement Offer
Ordinary		
N/A	x	(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 \$16

Violation Final Penalty Total \$10

This violation Final Assessed Penalty (adjusted for limits) \$50

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245620  
**Media** Public Water Supply  
**Violation No.** 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$400	3-Sep-2009	30-Jun-2010	0.82	\$16	n/a	\$16
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the estimated amount to develop and begin maintaining a record keeping system for all operating and maintenance activities at the Facility. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$400

TOTAL \$16

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

V12 12

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the grounds and facilities are maintained in a manner to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water. Specifically, at the time of the investigation, it was documented that the grass on the grounds was overgrown and there was ponding water and litter inside the pump house.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

If the Facility and its equipment are not maintained, customers of the Facility could be exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

65 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 12

<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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	3-Sep-2009	31-Jul-2010	0.91	\$1	\$12	\$13
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount to provide housekeeping and maintenance, including but not limited to, mowing the grass and eliminating the ponding of water by draining the water from pump house. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$200	TOTAL	\$13
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Screening Date 6-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 13

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description

Failed to perform an annual inspection of the Facility's GST.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to perform annual inspection of the GST could result in non-detection of tank defects that could expose customers of the Facility to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

65 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$100

One annual event is recommended, calculated for the 12 months prior to the investigation date, September 3, 2009.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NGV to EDFRP/Settlement Offer

\$0

Extraordinary	
Ordinary	
N/A	X (mark with x)

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$105

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 13

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				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	\$100	3-Sep-2008	3-Sep-2009	1.00	\$5	\$100	\$105
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 inspect the Facility's GST, calculated for the 12 months prior to the investigation.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 14

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description

Failed to perform annual inspections of the Facility's three pressure tanks.

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 perform annual inspections of the pressure tanks could result in non-detection of tank defects and loss of tank integrity and pressure to the Facility, resulting in customers of the Facility being exposed to significant amounts of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

65 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

mark only one with an x

Violation Base Penalty \$750

Three annual events are recommended, based on one annual event for each pressure tank, calculated for the 12 months prior to the investigation date, September 3, 2009.

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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$315

Violation Final Penalty Total \$785

This violation Final Assessed Penalty (adjusted for limits) \$785

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 14

<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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	3-Sep-2008	3-Sep-2009	1.00	\$15	\$300	\$315
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 inspect the Facility's pressure tanks, calculated for the 12 months prior to the investigation.

Approx. Cost of Compliance

\$300

TOTAL

\$315

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 15

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain all distribution system lines, storage and pressure maintenance facilities, water treatment units, and all related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the bladder tank located at the well site was leaking.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain all related appurtenances in a watertight condition could expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

65 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, September 3, 2009, to the screening date, November 5, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NCV NOV to EDFRP/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 \$7

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 15

**Percent Interest** 5.0  
**Years of Depreciation** 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)	\$100	3-Sep-2009	31-Aug-2010	0.99	\$0	\$7	\$7
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the estimated amount to repair the leaking bladder tank. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

\$7

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 16

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(2)

Violation Description

Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

65 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

	Reduction	
	Before NOV	NOV to EOPRP/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 \$14

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245620  
**Media** Public Water Supply  
**Violation No.** 18

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

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

**Delayed Costs**

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)	\$200	3-Sep-2009	31-Aug-2010	0.99	\$1	\$13
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 develop and maintain an accurate and up-to-date map of the distribution system that shows the locations of the Facility's mains and valves. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$200

TOTAL

\$14

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 17

Rule Cite(s)

30 Tex. Admin. Code § 290.46(v)

Violation Description

Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the time of the investigation, it was documented that the electrical wiring for the water usage meter at the front of the pump house was not enclosed in a conduit.

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 install all water system electrical wiring in compliance with a local or national code may cause equipment malfunction, resulting in low pressure and/or water outages which would result in exposure to a significant amount of pollutants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

85 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$750

Three monthly events are recommended, calculated from the investigation date, September 3, 2009, to the screening date, November 5, 2009.

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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$785

This violation Final Assessed Penalty (adjusted for limits) \$785

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245620  
**Media** Public Water Supply  
**Violation No.** 17

<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)	\$500	3-Sep-2009	31-Jul-2010	0.91	\$2	\$30	\$32
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 necessary to ensure all the Facility's wiring is installed in accordance with local and national codes. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$32

Screening Date 5-Nov-2009

Docket No. 2009-1939-PWS-E

PCW

Respondent Midway Petroleum, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38733

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101245520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 18

Rule Cite(s)

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

Violation Description

Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

65 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 EDFRP/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 \$12

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

# Economic Benefit Worksheet

**Respondent** Midway Petroleum, L.P.  
**Case ID No.** 38733  
**Reg. Ent. Reference No.** RN101245520  
**Media** Public Water Supply  
**Violation No.** 18

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)	\$200	3-Sep-2009	30-Jun-2010	0.82	\$1	\$11	\$12
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to develop and maintain an accurate and up-to-date chemical and microbiological monitoring plan. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$12

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601204142 Midway Petroleum, L.P. Classification: HIGH Rating: 0.00  
Regulated Entity: RN101245520 MIDWAY PETROLEUM Classification: HIGH Site Rating: 0.00  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1700619  
PETROLEUM STORAGE TANK REGISTRATION 68393  
REGISTRATION  
Location: 18321 HIGHWAY 105 EAST, CLEVELAND, MONTGOMERY COUNTY, TX  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: November 05, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: November 02, 2004 to November 02, 2009  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

## Components (Multimedia) for the Site :

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

N/A

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

N/A

- C. Chronic excessive emissions events.

N/A

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

- 1 08/05/2005 (396366)
- 2 06/20/2007 (558196)
- 3 10/30/2009 (748025)

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

Date: 06/19/2007 (558196) CN601204142  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)  
30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
Description: Failure to make available sanitary control easement for the well at the time of inspection.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)  
30 TAC Chapter 290, SubChapter D 290.39(e)(1)  
Description: Failure to secure the services of a registered professional engineer to assist in the preparation of "as-built" plans and specifications which need to be submitted for our review.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.38(34)  
Description: Failure to install three strands of barbed wire at the top of the fence surrounding

the ground storage tank .

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	Failure to equip the ground storage tank with a water level indicator located at the tank site.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(2)		
Description:	Failure to provide the pressure tank with an easily readable pressure gauge.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(1)		
Description:	Failure to provide the ground storage tank with a vent of the gooseneck or roof ventilator type, designed to prevent possible entry of dust, birds, insects or any contaminants.		

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  
MIDWAY PETROLEUM, L.P.  
RN101245520

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-1939-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 Midway Petroleum, L.P. ("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 18321 Highway 105 East in Cleveland, Montgomery County, Texas (the "Facility") that has one service connection 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 7, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Four Thousand Six Hundred Three Dollars (\$4,603) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Six Hundred Eighty-Three Dollars (\$3,683) of the administrative penalty and Nine Hundred Twenty Dollars (\$920) 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 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 submit "as built" plans and specifications that are prepared by a registered professional engineer, in violation of 30 TEX. ADMIN. CODE § 290.39(e), as documented during an investigation conducted on September 3, 2009.
2. Failed to provide a sanitary control easement covering all land within 150 feet of the Facility's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on September 3, 2009.
3. Failed to provide a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away and not less than 0.25 inches per foot around the well head, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J), as documented during an investigation conducted on September 3, 2009.
4. Failed to provide a suitable sampling cock on the discharge pipe of each well pump prior to any treatment, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M), as documented during an investigation conducted on September 3, 2009.
5. Failed to provide the well with a flow measuring device to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during an investigation conducted on September 3, 2009.

6. Failed to provide a proper cover for the hypochlorination solution container to prevent the entrance of dust, insects and other contaminants, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5), as documented during an investigation conducted on September 3, 2009.
7. Failed to compile and maintain a thorough plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on September 3, 2009.
8. Failed to provide a ground storage tank ("GST") that is designed, fabricated, and erected in strict accordance with American Water Works Association ("AWWA") standards with the appropriate appurtenances, in violation of 30 TEX. ADMIN. CODE § 290.43(c), (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5), as documented during an investigation conducted on September 3, 2009.
9. Failed to provide all pressure tanks with an easily readable pressure gauge, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2), as documented during an investigation conducted on September 3, 2009.
10. Failed to provide an intruder-resistant fence for all potable water storage tanks and pressure maintenance facilities, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on September 3, 2009.
11. Failed to compile, maintain onsite, and make available for Commission review an up-to-date record of water work operations and maintenance activities for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(III), 290.46(f)(3)(A)(ii)(III), 290.46(f)(3)(A)(v) and 290.46(f)(3)(A)(vi), as documented during an investigation conducted on September 3, 2009.
12. Failed to initiate maintenance and housekeeping practices to ensure the grounds and facilities are maintained in a manner to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on September 3, 2009.
13. Failed to perform an annual inspection of the Facility's GST, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on September 3, 2009.
14. Failed to perform annual inspections on the Facility's three pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on September 3, 2009.
15. Failed to maintain all distribution system lines, storage and pressure maintenance facilities, water treatment units, and all related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on September 3, 2009.
16. Failed to provide 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 September 3, 2009.

17. Failed to ensure that all electrical wiring is securely installed 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 September 3, 2009.
18. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used 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 September 3, 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: Midway Petroleum, L.P., Docket No. 2009-1939-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Provide a proper covering for the hypochlorination solution container as to prevent the entrance of dust, insects and other contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.42;
    - ii. Submit for review and begin maintaining the following records: the amount of chemicals used each week, the volume of water treated each week, the dates the GST and other facilities were cleaned, and the maintenance records for water system equipment and facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - iii. Perform an annual inspection of the Facility's GST, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- iv. Perform an annual inspection of the Facility's pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - v. Develop a complete and up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 60 days after the effective date of this Agreed Order:
- i. Provide a suitable sampling cock on the discharge pipe of the well pump, in accordance with 30 TEX. ADMIN. CODE § 290.41;
  - ii. Provide the well with a flow measuring device to measure production yields and provide for the accumulation of water production data, in accordance with 30 TEX. ADMIN. CODE § 290.41;
  - iii. Submit for review and begin maintaining an up-to-date and thorough plant operations manual, in accordance with 30 TEX. ADMIN. CODE § 290.42(1);
  - iv. Provide an intruder-resistant fence around the GST with three strands of barbed wire set at a 45 degree angle, in accordance with 30 TEX. ADMIN. CODE § 290.43;
  - v. Initiate maintenance and housekeeping practices to ensure the grounds and facilities are maintained in a manner to minimize the possibility of harboring of rodents, insects, and other disease contamination in the water, including but not limited to, removing the excessive vegetation on the grounds and eliminate the ponding of water by draining the water from pump house, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - vi. Ensure that all electrical wiring is securely installed in compliance with local or national electrical code, including but not limited to, the wiring in front of the water usage meter at the front of the pump house, 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 in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Agreed Order:
- i. Submit "as-built" plans and specifications for the Facility that are prepared by a registered professional engineer, in accordance with 30 TEX. ADMIN. CODE § 290.39;

The plans shall be submitted to :

Technical Review & Oversight Team  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

- ii. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41;
  - iii. Provide a concrete sealing block that is sloped to drain away at not less than 0.25 inches per foot around the well head, in accordance with 30 TEX. ADMIN. CODE § 290.41;
  - iv. Provide a GST that is designed, fabricated, and erected in strict accordance with AWWA standards with the appropriate appurtenances, including but not limited to, an access ladder, a roof vent, a roof access opening that meets AWWA standards, an overflow, a liquid level indicator, and inlet and outlet connections designed to prevent short circuiting and stagnation of water, in accordance with 30 TEX. ADMIN. CODE § 290.43;
  - v. Provide the Facility's three pressure tanks with easily readable pressure gauges, in accordance with 30 TEX. ADMIN. CODE § 290.43;
  - vi. Maintain all distribution system lines, water storage and pressure maintenance facilities, and all related appurtenances in a watertight condition, including but not limited to the leaking bladder tank, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - vii. Provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

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

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 4/23/2010

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.



\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 2/22/10

NARESH K. MITTAL  
Name (Printed or typed)  
Authorized Representative of  
Midway Petroleum, L.P.

\_\_\_\_\_  
Title President

**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.