

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2010-0040-PWS-E **TCEQ ID:** RN101248904 **CASE NO.:** 38959
RESPONDENT NAME: Childress Creek Water Supply Corporation

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Childress Creek WSC, 700 County Road 3430, Bosque County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 24, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Calvin Rueter, President, Childress Creek Water Supply Corporation, 700 County Road 3430, Clifton, Texas 76634 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 5, 2009</p> <p>Date of NOV/NOE Relating to this Case: December 4, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to keep on file and make available for review an up-to-date record of water works operations and maintenance activities for operator review and reference [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(v), (f)(3)(D)(ii), and (f)(3)(E)(ix)].</p> <p>2) Failure to compile and maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>3) Failure to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazards exists [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>4) Failure to complete Customer Service Inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities [30 TEX. ADMIN. CODE § 290.46(j) and TCEQ Agreed Order Docket No. 2006-0336-PWS-E, Ordering Provision 2.c.ii.].</p>	<p>Total Assessed: \$6,340</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,340</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: This case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on November 24, 2009, the Respondent submitted the following documentation:</p> <p>a. A complete microbiological monitoring plan; and</p> <p>b. A revised plant operations manual that contains the required emergency contact numbers.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit and begin maintaining the calibration certificate for the meter on Well No. 1 and the inspection reports for the pressure tanks; and</p> <p>ii. Begin flushing all dead-end mains at monthly intervals.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Install a pressure vacuum breaker backflow prevention assembly or an air gap at the Clifton Veterinary Clinic;</p> <p>ii. Begin completing Customer Service Inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to</p>

<p>5) Failure to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].</p> <p>6) Failure to maintain the overflow on the Facility's standpipe in strict accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>7) Failure to properly install all air release devices at all points where topography or other factors may create air locks in the lines in such a manner as to preclude the possibility of submergence or possible entrance of contaminants [30 TEX. ADMIN. CODE § 290.44(d)(1)].</p> <p>8) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p>		<p>believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities;</p> <p>iii. Provide the standpipe with an overflow that conforms to AWWA design standards that terminates at a point that is accessible from a ladder or balcony for inspection purposes;</p> <p>iv. Modify or replace the air release device located 2.5 miles east of Valley Mills on State Highway 56 so that the vent extends above the vault to such a height sufficient to prevent submergence and is properly screened; and</p> <p>v. Remove the vines and brush growing through the fence at Plant No. 2 in order to ensure a good general appearance of the Facility.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.</p>
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Additional ID No(s): PWS ID 0180026

Attachment A
Docket Number: 2010-0040-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Childress Creek Water Supply Corporation
Payable Penalty Amount:	Six Thousand Three Hundred Forty Dollars (\$6,340)
SEP Amount:	Six Thousand Three Hundred Forty Dollars (\$6,340)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP:	Bosque County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Dec-2009	Screening	6-Jan-2010	EPA Due	31-Aug-2010
	PCW	21-Jan-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Childress Creek Water Supply Corporation		
Reg. Ent. Ref. No.	RN101248904		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	38959	No. of Violations	8
Docket No.	2010-0040-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Stephen Thompson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 20.0% Enhancement Subtotals 2, 3, & 7

Notes: Enhancement is due to one prior agreed final enforcement order that contains a denial of liability.

Culpability No 0.0% Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit 0.0% Enhancement* Subtotal 6

Total EB Amounts	\$173	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,840	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL 0.0% Reduction Adjustment

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 6-Jan-2010

Docket No. 2010-0040-PWS-E

PCW

Respondent Childress Creek Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101248904

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

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) 20%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to one prior agreed final enforcement order that contains a denial of liability.

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

Screening Date 6-Jan-2010

Docket No. 2010-0040-PWS-E

PCW

Respondent Childress Creek Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101248904

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 1

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

Violation Description Failed to keep on file and make available for review an up-to-date record of water works operations and maintenance activities for operator review and reference. Specifically, at the time of the investigation, the following records were not available for review: the calibration certificate for the meter on Well No. 1, inspection reports for the pressure tanks, and a copy of the Facility's microbiological monitoring plan.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1%
Less than 30% of the rule requirement was not met.					

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 Number of violation days 62

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 Before NOV NOV to EDRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$12

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

Economic Benefit Worksheet

Respondent Childress Creek Water Supply Corporation
Case ID No. 38959
Reg. Ent. Reference No. RN101248904
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	5-Nov-2009	1-Aug-2010	0.74	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to maintain Facility records, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

	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
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TOTAL

	\$4
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Screening Date 6-Jan-2010

Docket No. 2010-0040-PWS-E

PCW

Respondent Childress Creek Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101248904

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 2

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 plant operations manual did not contain the required emergency contact numbers.

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	
Less than 30% of the rule requirement was not met.				x	1%

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 Number of violation days 62

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

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

\$2

Notes: The Respondent returned to compliance on November 24, 2009.

Violation Subtotal \$8

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$10

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

Economic Benefit Worksheet

Respondent Childress Creek Water Supply Corporation

Case ID No. 38959

Reg. Ent. Reference No. RN101248904

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$20	5-Nov-2009	24-Nov-2009	0.05	\$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 revise the plant operations manual to include the proper emergency contact numbers, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20

TOTAL

\$0

Screening Date 6-Jan-2010

Docket No. 2010-0040-PWS-E

PCW

Respondent Childress Creek Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38959

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101248904

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(1)(A)

Violation Description Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazards exists. Specifically, at the time of the investigation, it was documented that there was no backflow prevention assembly or air gap at the Clifton Veterinary Clinic.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to install a backflow prevention assembly at a site where a potential contamination hazard exists could result in the back siphonage of pollutants into the distribution system and expose consumers to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 Number of violation days 62

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 date of the investigation, November 5, 2009, to the date of screening, January 6, 2010.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EOPRP/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 \$750

Economic Benefit (EB) for this violation

Estimated EB Amount \$21

Statutory Limit Test

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent Childress Creek Water Supply Corporation
Case ID No. 38959
Reg. Ent. Reference No. RN101248904
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$370	5-Nov-2009	1-Sep-2010	0.82	\$1	\$20	\$21
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the estimated amount to install a backflow prevention assembly at the Clifton Veterinary Clinic, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance

\$370

TOTAL

\$21

Screening Date 6-Jan-2010

Docket No. 2010-0040-PWS-E

PCW

Respondent Childress Creek Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101248904

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(j) and TCEQ Agreed Order Docket No. 2006-0336-PWS-E, Ordering Provision 2.c.ii

Violation Description

Failed to complete Customer Service Inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities. Specifically, at the time of the investigation, it was documented that customer service inspections were not being conducted at all.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 41 Number of violation days 1235

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

Violation Base Penalty \$4,100

Forty-one monthly violations are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2006-0336-PWS-E, August 20, 2006, to the date of screening, January 6, 2010.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV 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 \$4,100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$101 Violation Final Penalty Total \$4,920

This violation Final Assessed Penalty (adjusted for limits) \$4,920

Economic Benefit Worksheet

Respondent Childress Creek Water Supply Corporation
Case ID No. 38959
Reg. Ent. Reference No. RN101248904
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	20-Aug-2006	1-Sep-2010	4.04	\$101	n/a	\$101

Notes for DELAYED costs

The delayed costs include the estimated amount to implement a customer service inspection program to ensure that all new connections are properly inspected, calculated from the effective date of TCEQ Agreed Order Docket No. 2006-0336-PWS-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$101

Screening Date 6-Jan-2010

Docket No. 2010-0040-PWS-E

PCW

Respondent Childress Creek Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101248904

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 5

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

Violation Description Failed to flush all dead-end mains at monthly intervals.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Release	Major	Moderate	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to flush all dead-end mains monthly, or more often to maintain acceptable water quality, could result in the customers of the Facility becoming exposed to a significant amount of pollutants, which would not exceed levels that are protective of human health or the environment.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 62

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 date of the investigation, November 5, 2009, to the date of screening, January 6, 2010.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Estimated EB Amount \$13

Statutory Limit Test

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

Economic Benefit Worksheet

Respondent Childress Creek Water Supply Corporation
Case ID No. 38959
Reg. Ent. Reference No. RN101248904
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
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)	\$250	5-Nov-2009	1-Aug-2010	0.74	\$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 necessary to flush the dead-end mains monthly, or more frequently to maintain acceptable water quality, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$13

Screening Date 6-Jan-2010

Docket No. 2010-0040-PWS-E

PCW

Respondent Childress Creek Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38959

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101248904

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 6

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

Violation Description Failed to maintain the overflow on the Facility's standpipe in strict accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that the overflow on the standpipe at Plant No. 4 was not located near or at a position accessible from a ladder for inspection purposes.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
Failure to ensure that the overflow on the standpipe is accessible for inspection could allow defects to go undetected which could expose the stored water to a significant amount of contaminants which would not exceed levels that are protective of human health.					0%

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 62

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 date of the investigation, November 5, 2009, to the date of screening, January 6, 2010.

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 \$12

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

Economic Benefit Worksheet

Respondent Childress Creek Water Supply Corporation
Case ID No. 38959
Reg. Ent. Reference No. RN101248904
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

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	\$200	5-Nov-2009	1-Sep-2010	0.82	\$1	\$11	\$12
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 ensure that the overflow on the standpipe is modified to allow inspection from a ladder or balcony, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$12

Screening Date 6-Jan-2010

Docket No. 2010-0040-PWS-E

PCW

Respondent Childress Creek Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38959

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101248904

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.44(d)(1)

Violation Description

Failed to properly install all air release devices at all points where topography or other factors may create air locks in the lines in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. Specifically, at the time of the investigation, it was documented that an air release device located 2.5 miles east of Valley Mills on State Highway 56 was fully enclosed in a water tight vault in a manner where the vent is prone to submergence.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Failure to install air release devices in such a manner that precludes the possibility of submergence could allow pollutants to enter the distribution system thereby exposing consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

1

62 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 date of the investigation, November 5, 2009, to the date of screening, January 6, 2010.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Estimated EB Amount \$8

Statutory Limit Test

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

Economic Benefit Worksheet

Respondent Childress Creek Water Supply Corporation
Case ID No. 38959
Reg. Ent. Reference No. RN101248904
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$100	6-Nov-2009	1-Sep-2010	0.82	\$0	\$5	\$6
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 modify the air release device to ensure that it is not subject to the possibility of submergence, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 6-Jan-2010

Docket No. 2010-0040-PWS-E

PCW

Respondent Childress Creek Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38958

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101248904

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 8

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

Violation Description Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was noted that the fence at Plant No. 2 had excessive brush and vines.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to ensure the good working condition and general appearance of the Facility and its equipment could expose customers of the Facility to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

1 62 Number of violation days

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 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

Estimated EB Amount \$17

Statutory Limit Test

Violation Final Penalty Total \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

Economic Benefit Worksheet

Respondent Childress Creek Water Supply Corporation
Case ID No. 38959
Reg. Ent. Reference No. RN101248904
Media Public Water Supply
Violation No. 8

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)	\$300	5-Nov-2009	1-Sep-2010	0.82	\$1	\$16	\$17
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 remove the excessive brush and vines from the fence around Plant No. 2, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$17

Compliance History Report

Customer/Respondent/Owner-Operator: CN600684526 Childress Creek Water Supply Corporation Classification: Rating:
Regulated Entity: RN101248904 CHILDRESS CREEK WSC Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0180026
WATER LICENSING LICENSE 0180026
Location: 700 COUNTY ROAD 3430, BOSQUE COUNTY, TX
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: January 07, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: January 07, 2005 to January 07, 2010
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Stephen Thompson Phone: (512) 239-2558

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.

Components (Multimedia) for the Site :

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

Effective Date: 08/20/2006

ADMINORDER 2006-0336-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failed to ensure that the roof hatch on the GST is locked.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failed to provide a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration standards for construction and operation.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failed to ensure that the gasket used on the roof hatch of the GST makes a positive seal when the hatch is closed.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)

Description: Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface and a minimum of one inch above the sealing block or pump motor foundation block.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failed to provide the well casing vent opening with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failed to seal the wellhead with a gasket or sealing compound.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failed to keep and make available for Commission review required records for the water system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)(1)(A)

30 TAC Chapter 290, SubChapter D 290.46(j)(1)(B)

Description: Failed to conduct customer service inspections by an individual that is a Plumber Inspector or Water Supply Protection Specialist licensed by the Texas State Board of Plumbing Examiners or by a Customer Service Inspector who has completed a Commission approved course.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

Description: Failed to maintain a minimum of 35 pounds per square inch at all times throughout the distribution system.

Classification: Minor

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

Description: Failed to provide the roof vent on the GST with a screen that is fabricated of corrosion-resistant material that is 16-mesh or finer.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failed to maintain a residual disinfectant concentration in the water within the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L chloramine.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)

Description: Failed to provide two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 03/14/2006 (439224)

2 12/07/2009 (779978)

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

N/A

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 CHILDRESS CREEK
WATER SUPPLY CORPORATION
RN101248904**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-0040-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Childress Creek Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 700 County Road 3430 in Bosque County, Texas (the "Facility") that has approximately 788 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation conducted on November 5, 2009, TCEQ staff documented that the Respondent did not keep on file and make available for review an up-to-date record of water

works operations and maintenance activities for operator review and reference. Specifically, at the time of the investigation, the following records were not available for review: the calibration certificate for the meter on Well No. 1, inspection reports for the pressure tanks, and a copy of the Facility's microbiological monitoring plan.

3. During an investigation conducted on November 5, 2009, TCEQ staff documented that the Respondent did not 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 plant operations manual did not contain the required emergency contact numbers.
4. During an investigation conducted on November 5, 2009, TCEQ staff documented that the Respondent did not ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazards exists. Specifically, at the time of the investigation, it was documented that there was no backflow prevention assembly or air gap at the Clifton Veterinary Clinic.
5. During an investigation conducted on November 5, 2009, TCEQ staff documented that the Respondent did not complete Customer Service Inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities. Specifically, at the time of the investigation, it was documented that customer service inspections were not being conducted at all.
6. During an investigation conducted on November 5, 2009, TCEQ staff documented that the Respondent did not flush all dead-end mains at monthly intervals.
7. During an investigation conducted on November 5, 2009, TCEQ staff documented that the Respondent did not maintain the overflow on the Facility's standpipe in strict accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that the overflow on the standpipe at Plant No. 4 was not located near or at a position accessible from a ladder for inspection purposes.
8. During an investigation conducted on November 5, 2009, TCEQ staff documented that the Respondent did not properly install all air release devices in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. Specifically, at the time of the investigation, it was documented that an air release device located 2.5 miles east of Valley Mills on State Highway 56 was fully enclosed in a water tight vault in a manner where the vent is prone to submergence.
9. During an investigation conducted on November 5, 2009, TCEQ staff documented that the Respondent did not initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was noted that the fence at Plant No. 2 had excessive brush and vines.
10. The Respondent received notice of the violations on December 10, 2009.

11. The Executive Director recognizes that on November 24, 2009, the Respondent submitted the following documentation:
 - a. A complete microbiological monitoring plan; and
 - b. A revised plant operations manual that contains the required emergency contact numbers.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to keep on file and make available for review an up-to-date record of water works operations and maintenance activities for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(v), (f)(3)(D)(ii) and (f)(3)(E)(ix).
3. As evidenced by Findings of Fact No. 3, the Respondent 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).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazards exists, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to complete Customer Service Inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j) and TCEQ Agreed Order Docket No. 2006-0336-PWS-E, Ordering Provision 2.c.ii.
6. As evidenced by Findings of Fact No. 6, the Respondent failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to maintain the overflow on the Facility's standpipe in strict accordance with AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
8. As evidenced by Findings of Fact No. 8, the Respondent failed to properly install all air release devices at all points where topography or other factors may create air locks in the lines in such a manner as to preclude the possibility of submergence or possible entrance of contaminants, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(1).

9. As evidenced by Findings of Fact No. 9, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of Six Thousand Three Hundred Forty Dollars (\$6,340) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Six Thousand Three Hundred Forty Dollars (\$6,340) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Six Thousand Three Hundred Forty Dollars (\$6,340) as set forth in Section II, Paragraph 11 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Childress Creek Water Supply Corporation, Docket No. 2010-0040-PWS-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 11 above, Six Thousand Three Hundred Forty Dollars (\$6,340) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP.

3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit and begin maintaining the calibration certificate for the meter on Well No. 1 and the inspection reports for the pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Begin flushing all dead-end mains at monthly intervals, in accordance with 30 TEX. ADMIN. CODE § 290.41.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below as described in Ordering Provision 3.d, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Install a pressure vacuum breaker backflow prevention assembly or an air gap at the Clifton Veterinary Clinic, in accordance with 30 TEX. ADMIN. CODE § 290.44;
 - ii. Begin completing Customer Service Inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Provide the standpipe with an overflow that conforms to AWWA design standards that terminates at a point that is accessible from a ladder or balcony for inspection purposes, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - iv. Modify or replace the air release device located 2.5 miles east of Valley Mills on State Highway 56 so that the vent extends above the vault to such a height sufficient to prevent submergence and is properly screened, in accordance with 30 TEX. ADMIN. CODE § 290.44; and
 - v. Remove the vines and brush growing through the fence at Plant No. 2 in order to ensure a good general appearance of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c. 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

4. 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.
5. 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.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/3/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Childress Creek Water Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of Childress Creek Water Supply Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Childress Creek Water Supply Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

3-19-10
Date

Calvin Rueter
Name (Printed or typed)
Authorized Representative of
Childress Creek Water Supply Corporation

President
Title

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

Attachment A
Docket Number: 2010-0040-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Childress Creek Water Supply Corporation
Payable Penalty Amount:	Six Thousand Three Hundred Forty Dollars (\$6,340)
SEP Amount:	Six Thousand Three Hundred Forty Dollars (\$6,340)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP:	Bosque County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. **Project Description**

A. Project

The Respondent shall contribute to the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

