

**Executive Summary – Enforcement Matter – Case No. 37830**  
**Mirando City Water Supply Corporation**  
**RN101195360**  
**Docket No. 2011-0318-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Mirando City WSC, Linder Street, Mirando City, Webb County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 1, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$4,389

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$154

**Total Due to General Revenue:** \$4,235

Payment Plan: 35 payments of \$121 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 37830**  
**Mirando City Water Supply Corporation**  
**RN101195360**  
**Docket No. 2011-0318-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 15, 2010

**Date(s) of NOE(s):** February 21, 2011

***Violation Information***

1. Failed to provide a minimum well capacity of 0.6 gallons per minute (“gpm”) per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-0952-PWS-E, Ordering Provision No. 2.d.i.].
2. Failed to provide an elevated storage capacity of 100 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-0952-PWS-E, Ordering Provision No. 2.d.ii.].
3. Failed to provide a full-face self-contained breathing apparatus (“SCBA”) or supplied air respirator that meets Occupational Safety and Health Administration (“OSHA”) standards for construction and operation; and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is located outside the chlorination room and immediately available to the operator in the event of an emergency [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].
4. Failed to provide adequate ventilation, which includes both high level and floor level screened vents for the chlorine storage room [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].
5. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class “D” or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].
6. Failed to inspect the Facility's ground storage tank (“GST”) annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
7. Failed to provide copies of well completion data [30 TEX. ADMIN. CODE § 290.46(n)(3)].
8. Failed to calibrate the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].
9. Failed to prepare and submit Disinfectant Level Quarterly Operating Reports (“DLQORs”) to the Commission each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)].

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10. 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 the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].

11. Failed to provide production capacities that meet or exceed the Facility's maximum daily demand [30 TEX. ADMIN. CODE § 290.42(a)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that the Respondent completed the following corrective actions:

- a. As of January 3, 2011, began calibrating the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations;
- b. As of January 5, 2011, performed an annual inspection of the Facility's GST;
- c. As of February 15, 2011, began operating the Facility under the direct supervision of a water works operator who holds a Class "D" license;
- d. As of March 24, 2011, provided adequate screening for the chlorination room vents;
- e. As of March 29, 2011, began preparing and submitting DLQORs to the Commission each quarter by the tenth day of the month following the end of each quarter; and
- f. As of April 1, 2011, provided copies of well completion data, including but not limited to disinfection information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Make readily available outside the chlorination room, a full-face SCBA or supplied air respirator that meets OSHA standards for construction and operation; and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage; and
  - ii. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations.

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**Docket No. 2011-0318-PWS-E**

b. Within 45 days, submit written certification as described in Ordering Provision d. and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

c. Within 180 days:

i. Provide a minimum well capacity of 0.6 gpm per connection or obtain an exception regarding minimum well capacity requirements;

ii. Provide an elevated storage capacity of 100 gallons per connection or obtain an exception regarding elevated storage capacity requirements; and

iii. Provide a production capacity that meets or exceeds the Facility's maximum daily demand; or submit a planning report that includes infrastructure upgrades to the Executive Director that clearly explains how the Respondent is going to increase the plant capacity so that the Facility has the capacity to accommodate the maximum daily usage for the Facility.

d. Within 195 days, submit written certification demonstrating compliance.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Salvador Johnson, Board President, Mirando City Water Supply Corporation, P.O. Box 57, Mirando City, Texas 78369-0057  
Richard Bowden, Registered Agent, Mirando City Water Supply Corporation, P.O. Box 57, Mirando City, Texas 78369-0057  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	28-Feb-2011	<b>Screening</b>	28-Feb-2011	<b>EPA Due</b>	31-Aug-2011
	<b>PCW</b>	18-Apr-2011				

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

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	11
<b>Enf./Case ID No.</b>	37830	<b>Order Type</b>	Findings
<b>Docket No.</b>	2011-0318-PWS-E	<b>Government/Non-Profit</b>	Yes
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Andrea Linson-Mgbeodu
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$3,350</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	39.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$1,306</b>
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**Notes** Enhancement for three NOVs with the same violations, two dissimilar NOVs and one agreed final enforcement order containing a denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$267</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$57,563
Approx. Cost of Compliance	\$508,122

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$4,389</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	<b>\$4,389</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$4,389</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$4,389</b>
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Screening Date 28-Feb-2011

Docket No. 2011-0318-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	2	4%
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 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) 39%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same violations, two dissimilar NOVs and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 39%

Screening Date: 28-Feb-2011

Docket No.: 2011-0318-PWS-E

PCW

Respondent: Miranda City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No.: 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101195360

Media [Statute]: Public Water Supply

Enf. Coordinator: Andrea Linson-Mgbeoduru

Violation Number: 1

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(C)(i), Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-0952-PWS-E, Ordering Provision No. 2.d.i

Violation Description

Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility has 240 connections which require 144 gpm; however, only 118 gpm were provided, indicating an 18% deficiency.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent: 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent: 0%

Matrix Notes

Inadequate well capacity could result in water outages and backflow problems resulting in a significant amount of contaminants entering the Facility which would not exceed levels protective of human health.

Adjustment: \$900

\$100

Violation Events

Number of Violation Events: 5

371 Number of violation days

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

Violation Base Penalty: \$500

Five quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0952-PWS-E, February 22, 2010, to the screening date, February 28, 2011.

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: \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$35,288

Violation Final Penalty Total: \$695

This violation Final Assessed Penalty (adjusted for limits): \$695

# Economic Benefit Worksheet

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

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$250,000	22-Feb-2010	28-Feb-2012	2.02	\$1,680	\$33,607	\$35,288
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 well production capacity of 0.6 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0952-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

\$250,000

**TOTAL**

\$35,288

Screening Date 28-Feb-2011

Docket No. 2011-0318-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

2

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(C)(iv), Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-0952-PWS-E, Ordering Provision No. 2.d.ii.

Violation Description

Failed to provide an elevated storage capacity of 100 gallons per connection. Specifically, at the time of the investigation, it was documented that the Facility has 240 connections which require 24,000 gallons; however only 21,400 gallons were provided, indicating a 11% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to meet the minimum elevated storage tank capacity of 100 gallons per connection could result in low pressure, water outages, and exposure to a significant amount of pollutants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 5

371 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$500

Five quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0952-PWS-E, February 22, 2010, to the screening date, February 28, 2011.

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$789

Violation Final Penalty Total \$695

This violation Final Assessed Penalty (adjusted for limits) \$695

## Economic Benefit Worksheet

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

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,590	22-Feb-2010	28-Feb-2012	2.02	\$38	\$751	\$789
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 an elevated storage capacity of 100 gallons per connection (\$2.15 per gallon deficient x 2,600 gallons), calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0952-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

\$5,590

**TOTAL**

\$789

Screening Date 28-Feb-2011

Docket No. 2011-0318-PWS-E

PCW

Respondent Miranda City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(A)

Violation Description

Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards for construction and operation; and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is located outside the chlorination room and immediately available to the operator in the event of an emergency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential	x				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
Failure to have a full-face SCBA or supplied air respirator that meets OSHA standards and fresh ammonia in the event of an emergency could expose employees to significant amounts of chlorine gas that would exceed levels protective of human health.					0%

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 Number of violation days 75

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, December 15, 2010, to the screening date, February 28, 2011.

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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$79

Violation Final Penalty Total \$1,043

This violation Final Assessed Penalty (adjusted for limits) \$1,043

# Economic Benefit Worksheet

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

Percent Interest	Years of Depreciation
5.0	15

**Item 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)	\$1,420	15-Dec-2010	30-Sep-2011	0.79	\$4	\$75	\$79
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 full-face SCBA or supplied air respirator that meets OSHA standards for construction and operation and fresh ammonia, calculated from the investigation date to the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,420

**TOTAL**

\$79

Screening Date 28-Feb-2011

Docket No. 2011-0318-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.42(e)(4)(C)

Violation Description

Failed to provide adequate ventilation, which includes both high level and floor level screened vents for the chlorine storage room. Specifically, at the time of the investigation, it was documented that the chlorination room vents did not have screening.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to screen the chlorination room vents may allow the entrance of rodents, birds or insects which may allow unsanitary conditions to form in the chlorination room. As a result, customers could be exposed to an insignificant amount of pollutants, 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 75

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

10.0% Reduction

\$5

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

Notes The Respondent achieved compliance as of March 24, 2011.

Violation Subtotal \$45

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$65

This violation Final Assessed Penalty (adjusted for limits) \$65

## Economic Benefit Worksheet

**Respondent:** Mirando City Water Supply Corporation  
**Case ID No.:** 37830  
**Reg. Ent. Reference No.:** RN101195360  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	15-Dec-2010	24-Mar-2011	0.27	\$0	\$1	\$1
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 screen the chlorination room vents, calculated from the investigation date 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

\$50

**TOTAL**

\$1

Screening Date 28-Feb-2011

Docket No. 2011-0318-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)

Violation Description Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.

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 continuously operate the Facility under the direct supervision of an appropriately licensed water works operator may result in poor plant operation and expose the public to significant amounts of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

62 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the investigation date, December 15, 2010, to the date of compliance, February 15, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$125

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

Notes

The Respondent achieved compliance as of February 15, 2011.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$570

This violation Final Assessed Penalty (adjusted for limits) \$570

## Economic Benefit Worksheet

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

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$111	15-Dec-2010	15-Feb-2011	0.17	\$0	\$1	\$1
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 exam cost for a Class "D" operators license, calculated from the investigation date to the 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

\$111

**TOTAL**

\$1

Screening Date 28-Feb-2011

Docket No. 2011-0318-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 6

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

Violation Description

Failed to inspect the Facility's ground storage tanks ("GST") annually. Specifically, at the time of the investigation, it was documented that the Facility's GST had not been inspected within the prior 12 months.

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 inspect the GST could result in the public being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$100

One annual event is recommended, calculated for the 12 months prior to the investigation date, December 15, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$25

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

Notes The Respondent achieved compliance as of January 5, 2011.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$114

This violation Final Assessed Penalty (adjusted for limits) \$114

## Economic Benefit Worksheet

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

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs [3]</b>	<b>\$41</b>	<b>15-Dec-2009</b>	<b>15-Dec-2010</b>	<b>1.92</b>	<b>\$4</b>	<b>\$41</b>	<b>\$45</b>
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to perform an annual GST inspection (\$41 per tank), calculated for the 12 months preceding the December 15, 2010 investigation.

Approx. Cost of Compliance

\$41

**TOTAL**

\$45

Screening Date 28-Feb-2011

Docket No. 2011-0318-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(3)

Violation Description

Failed to provide copies of well completion data. Specifically, at the time of the investigation, it was documented that the Facility did not have well completion data for Marshall Well No. 1 (G2400025A).

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

1

75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes The Respondent achieved compliance as of April 1, 2011.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$129

This violation Final Assessed Penalty (adjusted for limits) \$129

# Economic Benefit Worksheet

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

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	15-Dec-2010	1-Apr-2011	0.29	\$0	\$10	\$10
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 the required well completion data, calculated from the investigation date 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

\$500

**TOTAL**

\$10

Screening Date 28-Feb-2011

Docket No: 2011-0318-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No: 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator: Andrea Lnson-Mgbeoduru

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.46(s)(2)(C)(I)

Violation Description

Failed to calibrate the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations. Specifically, at the time of the investigation, it was documented that the Facility did not possess a chlorine solution of a known concentration for the verification of the accuracy of the manual disinfectant residual analyzer.

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 provide accurate testing methods to monitor the effectiveness of the disinfection process could result in the non-detection of improperly treated water and potentially expose the public to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

1

19 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$250

One monthly event is recommended, calculated from the investigation date, December 15, 2010, to the compliance date, January 3, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$62

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

Notes

The Respondent achieved compliance as of January 3, 2011.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$286

This violation Final Assessed Penalty (adjusted for limits) \$286

## Economic Benefit Worksheet

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

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	15-Nov-2010	15-Dec-2010	1.00	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary to calibrate the manual disinfectant analyzer using chlorine solutions of known concentration, calculated for the 30 days prior to the investigation.

Approx. Cost of Compliance \$50

**TOTAL** \$53

Screening Date 28-Feb-2011

Docket No. 2011-0318-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code § 290.110(e)(4)

Violation Description

Failed to prepare and submit Disinfectant Level Quarterly Operating Reports ("DLQORs") to the Commission each quarter by the tenth day of the month following the end of each quarter. Specifically, at the time of the investigation, it was documented that the facility did not prepare and submit DLQORs for any quarter of 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			10%

Matrix Notes

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4 Number of violation days 365

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

Violation Base Penalty \$400

Four quarterly events are recommended; based on the quarters DLQORs were not submitted.

Good Faith Efforts to Comply

10.0% Reduction

\$40

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

Notes The Respondent achieved compliance as of March 29, 2011.

Violation Subtotal \$360

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$195

Violation Final Penalty Total \$516

This violation Final Assessed Penalty (adjusted for limits) \$516

## Economic Benefit Worksheet

**Respondent:** Miranda City Water Supply Corporation  
**Case ID No.:** 37830  
**Req. Ent. Reference No.:** RN10I195360  
**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
<i>No commas or \$</i>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$180	10-Apr-2010	10-Jan-2011	1.67	\$15	\$180	\$195
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to ensure that DLQORs are completed and submitted to the Commission, calculated from the last day that the report was due for the first quarter of 2010 to the last day the report was due for the fourth quarter of 2010.

Approx. Cost of Compliance

\$180

**TOTAL**

\$195

Screening Date 28-Feb-2011

Docket No. 2011-0318-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 10

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 the Facility will use to comply with the monitoring requirements. Specifically, at the time of the investigation, it was documented that the Facility's monitoring plan did not identify all sampling locations, did not describe the sampling frequency, and did not specify analytical procedures to be used to comply with 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 more than 70% of the rule requirement.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

75 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 \$7

Violation Final Penalty Total \$139

This violation Final Assessed Penalty (adjusted for limits) \$139

## Economic Benefit Worksheet

**Respondent:** Mirando City Water Supply Corporation  
**Case ID No.:** 37830  
**Req. Ent. Reference No.:** RN101195360  
**Media:** Public Water Supply  
**Violation No.:** 10

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	\$180	15-Dec-2010	30-Sep-2011	0.79	\$7	n/a	\$7
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, calculated from the investigation date 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

\$180

**TOTAL**

\$7

Screening Date 28-Feb-2011

Docket No. 2011-0318-PWS-E

PCW

Respondent Mirando City Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101195360

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.42(a)(1) and Tex. Health & Safety Code 341.0315(c)

Violation Description

Failed to provide production capacities that meet or exceed the Facility's maximum daily demand. Specifically, at the time of the investigation, it was documented that the Facility's maximum daily demand is 0.232 million gallons per day ("MGD"), whereas the Facility's production capacity is 0.17 MGD, indicating a 27% deficiency.

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 production capacity that meets the Facility's maximum daily demand could result in service outages exposing human health to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

75 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, December 15, 2010, to the screening date, February 28, 2011.

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 \$21,096

Violation Final Penalty Total \$139

This violation Final Assessed Penalty (adjusted for limits) \$139

## Economic Benefit Worksheet

**Respondent** Mirando City Water Supply Corporation  
**Case ID No.** 37830  
**Reg. Ent. Reference No.** RN101195360  
**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
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$250,000	15-Dec-2010	28-Feb-2012	1.21	\$1,005	\$20,091	\$21,096
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 production capacity that meets or exceeds the Facility's maximum daily demand, calculated from the investigation date 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

\$250,000

**TOTAL**

\$21,096

# Compliance History

Customer/Respondent/Owner-Operator: CN600641005 Mirando City Water Supply Corporation Classification: AVERAGE Rating: 3.01  
Regulated Entity: RN101195360 MIRANDO CITY WSC Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2400025  
Location: LINDER STREET, MIRANDO CITY, WEBB COUNTY, TEXAS  
TCEQ Region: REGION 16 - LAREDO  
Date Compliance History Prepared: February 28, 2011  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: February 28, 2006 to February 28, 2011  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

## Site Compliance History Components

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

## Components (Multimedia) for the Site :

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

Effective Date: 02/22/2010

ADMINORDER 2009-0952-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide an elevated storage capacity of 100 gallons per connection, as documented during an investigation conducted on May 1, 2009.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failed to provide Facility records to Commission personnel at the time of the investigation, as documented during an investigation conducted on May 1, 2009.

Classification: Minor

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

Description: Failed to flush dead-end mains at monthly intervals, as documented during an investigation conducted on May 1, 2009.

Classification: Moderate

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

Description: Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") at all points within the distribution network at flow rates of at least 1.5 gallons per minute ("gpm") per connection and a minimum pressure of 20 psi during emergencies such as fire fighting, as documented during an investigation conducted on May 1, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to operate the disinfection equipment to maintain the residual disinfectant concentration in the water at least 0.2 milligrams per liter ("mg/L") free chlorine, as documented during an investigation conducted on May 1, 2009.

Classification: Moderate

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

Description: Failed to obtain approval from the Executive Director prior to using a well as a public water supply source, as documented during an investigation conducted on May 1, 2009.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection, as documented during an investigation conducted on May 1, 2009.

Classification: Minor

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

Description: Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, as documented during an investigation conducted on May 1, 2009.

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

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 06/08/2006 (481909)
- 2 05/30/2007 (561475)
- 3 10/15/2007 (597936)
- 4 02/14/2008 (618604)
- 5 07/22/2009 (763083)
- 6 07/02/2009 (763347)
- 7 08/13/2009 (764913)
- 8 02/21/2011 (894680)

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

Date: 08/21/2006 (509316) CN600641005

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.121  
Description: Failure to provide a complete system monitoring plan.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)  
Description: Failure by a purchased water system to provide a daily purchase rate plus an actual production capacity of 0.6 gpm per connection.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(g)  
Description: Failure to keep on hand a supply of calcium hypochlorite disinfectant for use when making repairs, setting meters, and disinfecting lines prior to placing them in service.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)  
Description: Failure to employ an operator with a Class "C" or higher groundwater license for a system that treats groundwater and serves more than 250 connections.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)  
Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)  
5A THSC Chapter 341, SubChapter A 341.0315(e)  
Description: Failed to provide an elevated storage capacity of 100 gallons per connection, as documented during an investigation conducted on May 1, 2009.

Date: 12/21/2006 (534881) CN600641005

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.121  
Description: Failure to provide a complete system monitoring plan.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)  
Description: Failure by a purchased water system to provide a daily purchase rate plus an actual production capacity of 0.6 gpm per connection.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)  
Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide an elevated storage capacity of 100 gallons per connection, as documented during an investigation conducted on May 1, 2009.

Self Report? NO Classification: Moderate

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

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

Date: 05/31/2009 (561475) CN600641005

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

Description: Failure to maintain a record of water works operation and maintenance activities and make records accessible for review during inspections.

Self Report? NO Classification: Moderate

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

Description: Failure to conduct annual storage tank inspections.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to verify the accuracy of the manual disinfectant residual analyzer at least every 30 days using chlorine solutions of known concentrations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)(3)

Description: Failure to completely develop the monitoring plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 291, SubChapter F 291.93(3)

Description: Failure by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C. to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area.

Date: 04/16/2009 (763083) CN600641005

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for arsenic during the first quarter of 2009.

Date: 07/02/2009 (763347) CN600641005

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for arsenic during the second quarter of 2009.

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 § BEFORE THE  
ENFORCEMENT ACTION §  
CONCERNING § TEXAS COMMISSION ON  
MIRANDO CITY WATER SUPPLY §  
CORPORATION §  
RN101195360 § ENVIRONMENTAL QUALITY

**AGREED ORDER  
DOCKET NO. 2011-0318-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 Mirando City Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent 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 on Linder Street in Mirando City, Webb County, Texas (the "Facility") that has approximately 240 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility has 240 connections which require 144 gpm; however, only 118 gpm were provided, indicating an 18% deficiency.
3. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not provide an elevated storage capacity of 100 gallons per connection. Specifically, at the time of the investigation, it was documented that the Facility has 240 connections which require 24,000 gallons, however only 21,400 gallons were provided, indicating a 11% deficiency.
4. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards for construction and operation; and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is located outside the chlorination room and immediately available to the operator in the event of an emergency.
5. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not provide adequate ventilation, which includes both high level and floor level screened vents for the chlorine storage room. Specifically, at the time of the investigation, it was documented that the chlorination room vents did not have screening.
6. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.
7. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not inspect the Facility's ground storage tanks ("GST") annually. Specifically, at the time of the investigation, it was documented that the Facility's GST had not been inspected within the prior 12 months.
8. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not provide copies of well completion data. Specifically, at the time of the investigation, it was documented that the Facility did not have well completion data for Marshall Well No. 1 (G2400025A).
9. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not calibrate the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations. Specifically, at the time of the investigation, it was documented that the Facility did not possess a chlorine solution of a known concentration for the verification of the accuracy of the manual disinfectant residual analyzer.

10. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not prepare and submit Disinfectant Level Quarterly Operating Reports ("DLQORs") to the Commission each quarter by the tenth day of the month following the end of each quarter. Specifically, at the time of the investigation, it was documented that the Facility did not prepare and submit DLQORs for any quarter of 2010.
11. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not 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 the Facility will use to comply with the monitoring requirements. Specifically, at the time of the investigation, it was documented that the Facility's monitoring plan was not up-to-date.
12. During an investigation on December 15, 2010, TCEQ staff documented that the Respondent did not provide a production capacity that meets or exceeds the Facility's maximum daily demand. Specifically, at the time of the investigation, it was documented that the Facility's maximum daily demand is 0.232 million gallons per day ("MGD"), whereas the Facility's production capacity is 0.17 MGD, indicating a 27% deficiency.
13. The Respondent received notice of the violations on February 28, 2011.
14. The Executive Director ("ED") recognizes that the Respondent completed the following corrective actions:
  - a. As of January 3, 2011, began calibrating the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations;
  - b. As of January 5, 2011, performed an annual inspection of the Facility's GST;
  - c. As of February 15, 2011, began operating the Facility under the direct supervision of a water works operator who holds a Class "D" license;
  - d. As of March 24, 2011, provided adequate screening for the chlorination room vents;
  - e. As of March 29, 2011, began preparing and submitting DLQORs to the Commission each quarter by the tenth day of the month following the end of each quarter; and
  - f. As of April 1, 2011, provided copies of well completion data, including but not limited to disinfection information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well.

## 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 provide a minimum well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-0952-PWS-E, Ordering Provision No. 2.d.i.
3. As evidenced by Findings of Fact No. 3, the Respondent failed to provide an elevated storage capacity of 100 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-0952-PWS-E, Ordering Provision No. 2.d.ii.
4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide a full-face SCBA or supplied air respirator that meets OSHA standards for construction and operation; and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is located outside the chlorination room and immediately available to the operator in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to provide adequate ventilation, which includes both high level and floor level screened vents for the chlorine storage room, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to inspect the Facility's GST annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
8. As evidenced by Findings of Fact No. 8, the Respondent failed to provide copies of well completion data, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3).
9. As evidenced by Findings of Fact No. 9, the Respondent failed to calibrate the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i).
10. As evidenced by Findings of Fact No. 10, the Respondent failed to prepare and submit DLQORs to the Commission each quarter by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4).
11. As evidenced by Findings of Fact No. 11, the Respondent 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 the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).

12. As evidenced by Findings of Fact No. 12, the Respondent failed to provide production capacities that meet or exceed the Facility's maximum daily demand, in violation of 30 TEX. ADMIN. CODE § 290.42(a)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
13. 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.
14. An administrative penalty in the amount of Four Thousand Three Hundred Eighty-Nine Dollars (\$4,389) 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). The Respondent has paid One Hundred Fifty-Four Dollars (\$154) of the administrative penalty. The remaining amount of Four Thousand Two Hundred Thirty-Five Dollars (\$4,235) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Twenty-One Dollars (\$121) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Respondent to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

### 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 Four Thousand Three Hundred Eighty-Nine Dollars (\$4,389) as set forth in Section II, Paragraph 14 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: Mirando City Water Supply Corporation, Docket No. 2011-0318-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Make readily available outside the chlorination room a full-face SCBA or supplied air respirator that meets OSHA standards for construction and operation; and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
    - ii. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, as required by 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.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 180 days after the effective date of this Agreed Order:
    - i. Provide a minimum well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45, or obtain an exception in accordance with 30 TEX. ADMIN. CODE § 290.39(l) regarding minimum well capacity requirements;
    - ii. Provide an elevated storage capacity of 100 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45, or obtain an exception in accordance with 30 TEX. ADMIN. CODE § 290.39(l) regarding elevated storage capacity requirements; and

The exception requests shall be submitted to :

Technical Review and Oversight Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

- iii. Provide a production capacity that meets or exceeds the Facility's maximum daily demand, in accordance with 30 TEX. ADMIN. CODE § 290.42; or submit a planning report that includes infrastructure upgrades to the ED that clearly explains how the Respondent is going to increase the plant capacity so that the Facility has the capacity to accommodate the maximum daily usage for the Facility, as required by 30 TEX. ADMIN. CODE § 290.42.
- d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.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  
Laredo Regional Office  
Texas Commission on Environmental Quality  
707 East Calton Road, Suite 304  
Laredo, Texas 78041-3887

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

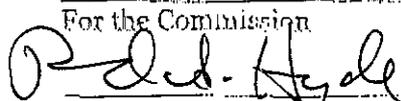
The determination of what constitutes good cause rests solely with the Executive Director.

5. 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.
6. 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.
7. 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.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. 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.

Mirando City Water Supply Corporation  
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission  
  
For the Executive Director

8/22/11  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Mirando City Water Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of Mirando City 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, Mirando City 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

8/1/11  
Date

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

Board President  
Title

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