

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO. 2010-0061-MLM-E RN101215549 CASE NO. 38977

RESPONDENT NAME: SHILOH RIDGE WATER SUPPLY CORPORATION

ORDER TYPE:		
<input checked="" type="checkbox"/> AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER RIGHTS	<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

SITE WHERE VIOLATION(S) OCCURRED: Two miles east of Highway 59, on Farm-to-Market Road 1988, Polk County

TYPE OF OPERATION: public water system

SMALL BUSINESS: Yes No N/A

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired March 7, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Jim Sallans, Litigation Division, MC 175, (512) 239-3400
 Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Epifanio Villarreal, Water Enforcement Section, MC R-14, (361) 825-3425

TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondent: Donael Rodgers, Vice-President, Shiloh Ridge WSC, 588 Vicksburg Lane, Livingston, Texas 77351

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint: N/A</p> <p>Date of Investigation: September 29, 2009</p> <p>Date of NOE: November 19, 2009</p> <p>Background Facts: The EDRP was filed on July 30, 2010. Respondent filed an answer and the case was referred to SOAH. The Agreed Order was signed on December 13, 2010.</p> <p>Current Compliance Status: Violation nos. 1, 4, 5, 6, 7, and 14 have been corrected. Respondent has not yet submitted documentation demonstrating compliance with all the technical requirements.</p> <p>MLM:</p> <ol style="list-style-type: none"> Failed to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)]. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction [30 TEX. ADMIN. CODE § 290.46(j)]. Failed to maintain Facility operation and maintenance records and have them available for review by Commission personnel during the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III) and (f)(3)(D)(ii)]. Failed to calibrate well meters at the Facility at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)]. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)]. Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times on September 29, 2009 [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 	<p>Total Assessed: \$7,282</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid/Due to General Revenue: \$282/\$7,000</p> <p>Respondent paid \$282 of the administrative penalty. The remaining amount of \$7,000 shall be payable in 35 monthly payments of \$200 each.</p> <p>Compliance History Classifications: <i>Person/CN – Average</i> <i>Site/RN – Average</i></p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken: The Executive Director recognizes that Respondent performed the following corrective actions:</p> <ol style="list-style-type: none"> Installed and calibrated well meters on October 10, 2010 (violation no. 4); Installed a new chlorine pump for Well No. 2 on October 10, 2010, to address the failure to initiate maintenance and housekeeping practices at the Facility to ensure good working condition of facility equipment (violation no. 14); Developed and adopted an adequate service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted (violation no. 1); Provided documentation to demonstrate monitoring of the disinfectant residual at representative locations in the distribution system on May 20, 2009 (violation no. 5); and Submitted documentation to demonstrate proper operation of disinfection equipment to maintain minimum disinfectant residual on October 1, 2009 (violation nos. 6 and 7). <p>Ordering Provisions: Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately: <ol style="list-style-type: none"> Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to, recording and keeping on file the amount of chemicals used each week, the volume of water treated each week and annual inspections for pressure tanks (violation no. 3); and Begin verifying the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations (violation no. 10). Within 30 days: <ol style="list-style-type: none"> Develop and begin maintaining a drought contingency plan for the Facility (violation no. 16); and Securely install electrical wiring for Well Nos. 2 and 3 in compliance with a local or national electrical code (violation no. 12).

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>7. Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times on September 30, 2009 [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>8. Failed to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>9. Failed to provide two or more service pumps with a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>10. Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].</p> <p>11. Failed to prevent livestock from occupying the land within 50 feet of Well No. 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(D)].</p> <p>12. Failed to securely install all Facility electrical wiring in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>13. Failed to provide the Facility's two 1,000 gallon pressure tanks with an access port for periodic inspections [30 TEX. ADMIN. CODE § 290.43(d)(1)].</p> <p>14. Failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>15. Failed to provide an all-weather access road to Well Nos. 2 and 3 [30 TEX. ADMIN. CODE § 290.41(c)(3)(P)].</p> <p>16. Failed to develop and maintain a drought contingency plan for the Facility [30 TEX. ADMIN. CODE § 288.30(5)].</p>		<p>3. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 1 and 2.</p> <p>4. Within 60 days, complete a customer service inspection certificate for the new construction at 488 Fredericksburg Lane and begin completing customer service inspections certifications prior to providing continuous water service to new construction (violation no. 2).</p> <p>5. Within 90 days:</p> <ul style="list-style-type: none"> a. Ensure that livestock is prevented from occupying the land within 50 feet of Well No. 2 (violation no. 11); b. Provide each of the Facility's 1,000 gallon pressure tanks with an access port for periodic inspections (violation no. 13); and c. Provide an all-weather access road to Well Nos. 2 and 3 (violation no. 15). <p>6. Within 105 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 4 and 5.</p> <p>7. Within 180 days, provide a minimum alternative well capacity of 1.5 gpm per connection and pressure tank capacity of 50 gallons per connection pursuant to the total storage and service pump capacity requirement exceptions approved by the Executive Director (violation nos. 8 and 9).</p> <p>8. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision No. 7.</p> <p>9. Or, in lieu of Ordering Provision Nos. 7 and 8, within 18 months:</p> <ul style="list-style-type: none"> a. Provide a total storage tank capacity of 200 gallons per connection; b. Provide two or more service pumps with a total capacity of 2.0 gpm per connection; and c. Submit written certification to demonstrate compliance with Ordering Provision Nos. 9.a. and 9.b.

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	7-Jan-2010	Screening	7-Jan-2010	EPA Due	
	PCW	21-Apr-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Shiloh Ridge Water Supply Corporation		
Reg. Ent. Ref. No.	RN101215549		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38977	No. of Violations	15
Docket No.	2010-0061-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Epifanio Villarreal
		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	\$5,810
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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.

Compliance History	22.0% Enhancement	Subtotals 2, 3, & 7	\$1,278
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Notes: The penalty enhancement is due to one NOV for violations that are dissimilar to the violations in the current enforcement case and one agreed final enforcement order containing a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$149
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$4,227
 Approx. Cost of Compliance: \$40,800
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,939
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$6,939

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,977
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$6,977
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Screening Date 7-Jan-2010

Docket No. 2010-0061-MLM-E

PCW

Respondent Shiloh Ridge Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38977

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101215549

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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	1	2%
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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one NOV for violations that are dissimilar to the violations in the current enforcement case and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 7-Jan-2010

Docket No. 2010-0061-MLM-E

PCW

Respondent Shiloh Ridge Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38977

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101215549

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(i)

Violation Description

Failed to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, at the time of the investigation, it was documented that the agreement utilized by the Facility did not list unacceptable plumbing practices or enforcement policies and did not require the customer's signature to ensure compliance with the agreement.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 100

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 EDRP/Settlement
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 \$122

This violation Final Assessed Penalty (adjusted for limits) \$122

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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)	\$100	29-Sep-2009	1-Oct-2010	1.01	\$0	\$7	\$7
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to prepare and maintain an adequate plumbing ordinance or service agreement, 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

\$7

Screening Date	7-Jan-2010	Docket No.	2010-0061-MLM-E	PCW
Respondent	Shiloh Ridge Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	38977			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101215549			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(j)			
Violation Description	Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist. Specifically, at the time of the investigation, it was documented that a customer service inspection certificate was not completed for the new construction at 488 Fredericksburg Lane.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes: Without completion of a customer service inspection prior to providing continuous water service to new construction, the system's ability to provide a safe and adequate supply of water could be compromised, exposing customers to a significant amount of contaminants that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events: 1 100 Number of violation days

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

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply **0.0%** Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$8 Violation Final Penalty Total \$305

This violation Final Assessed Penalty (adjusted for limits) \$305

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$150	29-Sep-2009	1-Oct-2010	1.01	\$8	n/a	\$8

Notes for DELAYED costs

The delayed costs include the estimated amount to compete a customer service inspection certificate for the 488 Fredericksburg Lane residence, 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

\$150

TOTAL

\$8

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III) and (f)(3)(D)(ii)
Violation Description Failed to maintain Facility operation and maintenance records and have them available for review by Commission personnel during the investigation. Specifically, records of the amount of chemicals used each week, the volume of water treated each week, and the annual inspections for the pressure tanks were not available at the time of the investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 100 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	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 \$10

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

Estimated EB Amount \$5

Violation Final Penalty Total \$12

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

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	29-Sep-2009	1-Sep-2010	0.92	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed costs include the estimated amount to develop and begin maintaining a record keeping system for the tank inspection reports, the amount of chemicals used each week and the volume of water treated each week, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$5
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Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)
Violation Description Failed to calibrate well meters at least once every three years. Specifically, at the time of the investigation, it was documented that the flow meters for Well Nos. 2 and 3 have not been calibrated in the last three years.

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 have well flow measuring devices properly calibrated could result in inaccurate or unavailable data of the chemical treatment effectiveness in the water, which could expose customers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 1096 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events (one per each meter) are recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$359

Violation Final Penalty Total \$122

This violation Final Assessed Penalty (adjusted for limits) \$122

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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]	\$300	29-Sep-2006	29-Sep-2009	3.92	\$59	\$300	\$359
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to calibrate the flow meters (\$150 per meter), calculated for three years preceding the September 29, 2009 investigation.

Approx. Cost of Compliance

\$300

TOTAL

\$359

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A)
Violation Description Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days. Specifically, at the time of the investigation, it was documented that the Facility did not monitor the disinfectant residual concentration between May 4, 2009 and May 19, 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to properly monitor the disinfectant residual could expose customers of the water supply to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 14 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One monthly event is recommended.

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 came into compliance with this violation as of May 20, 2009.

Violation Subtotal \$188

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

Estimated EB Amount \$50 **Violation Final Penalty Total** \$243

This violation Final Assessed Penalty (adjusted for limits) \$243

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	4-May-2009	19-May-2009	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount for proper monitoring of the disinfectant residual, calculated for the period in which the violation occurred.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4), and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, field tests conducted on September 29, 2009 at 488 Fredericksburg Lane, at a residence on Gettysburg Road, and at the entry point to the distribution system at Well No. 2 recorded a free chlorine residual of 0.02 mg/L, 0.0 mg/L, and 0.04 mg/L, respectively.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential	x		25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to maintain the disinfectant residual could result in customers of the Facility being exposed to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$750
 \$250

Violation Events

Number of Violation Events 1 1 Number of violation days
 mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event x
Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes The Respondent achieved compliance with this violation as of October 1, 2009.

Violation Subtotal \$188

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

Estimated EB Amount \$50 **Violation Final Penalty Total** \$243
This violation Final Assessed Penalty (adjusted for limits) \$243

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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				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	29-Sep-2009	30-Sep-2009	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount for additional oversight and maintenance that could have prevented the low disinfectant residual, calculated for the day the violation occurred.

Approx. Cost of Compliance

\$50

TOTAL

\$50

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4), and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, field tests conducted on September 30, 2009 at 488 Fredericksburg Lane and at a residence on Gettysburg Road recorded a free chlorine residual of 0.07 mg/L and 0.04 mg/L, respectively.
Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
	Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Failure to maintain the disinfectant residual could result in customers of the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.					
					Adjustment <input type="text" value="\$900"/>

Violation Events

Number of violation days
mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event
Violation Base Penalty

 Number of violation days
 One single event is recommended.

Good Faith Efforts to Comply Reduction

Before NOV NOV to EDRP/Settlement Offer
 Extraordinary
 Ordinary
 N/A (mark with x)
 Notes: The Respondent achieved compliance with this violation as of October 1, 2009.
Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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)				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	30-Sep-2009	1-Oct-2009	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount for additional oversight and maintenance that could have prevented the low disinfectant residual, calculated for the day the violation occurred.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health & Safety § 341.0315(c)
Violation Description Failed to provide a total storage capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that an exception was granted to the Facility on September 25, 2006, which would allow for the water system to provide a well capacity of 1.5 gallons per minute ("gpm") per connection and a pressure tank capacity of 50 gallons per connection in lieu of meeting a total storage capacity requirement. However, the Facility has failed to meet the conditions of this exception with a 44% deficiency in pressure tank capacity and a 31% deficiency in well capacity. Therefore, the Facility is 100% deficient in total storage capacity.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Without sufficient storage capacity, the Facility's ability to provide a safe and adequate supply of water could be compromised, exposing customers to a significant amount of contaminants that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

		4	100	Number of violation days
<i>mark only one with an x</i>	daily			Violation Base Penalty \$1,000
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

Four monthly events are recommended from the date of the investigation, September 29, 2009, to the date of screening, January 7, 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 \$1,000

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

Estimated EB Amount \$2,819 **Violation Final Penalty Total** \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$30,000	29-Sep-2009	1-Feb-2011	1.34	\$134	\$2,685	\$2,819
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 provide a total storage capacity of 200 gallons per connection, 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

\$30,000

TOTAL

\$2,819

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety § 341.0315(c)
Violation Description Failed to provide two or more service pumps with a total capacity of 2.0 gpm per connection. Specifically, at the time of the investigation, it was documented that an exception was granted to the Facility on September 25, 2006, which would allow the Facility to provide a well capacity of 1.5 gpm per connection and a pressure tank capacity of 50 gallons per connection in lieu of meeting the service pump capacity requirements. However, the Facility has failed to meet the conditions of this exception with a 44% deficiency on a pressure tank capacity and a 31% deficiency on a well capacity, and now must provide service pump capacity. Since the Facility does not have any service pumps, it is 100% deficient in service pump capacity.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential	x		25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Without sufficient service pump capacity, the system's ability to provide a safe and adequate supply of water could be compromised, exposing customers to a significant amount of contaminants that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 4 100 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

Four monthly events are recommended from the date of the investigation, September 29, 2009, to the date of screening, January 7, 2010.

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 \$1,000

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

Estimated EB Amount \$188 **Violation Final Penalty Total** \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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
No commas or \$							

Delayed Costs

Equipment	\$2,000	29-Sep-2009	1-Feb-2011	1.34	\$9	\$179	\$188
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 provide at least two service pumps with a total capacity of 2.0 gpm per connection (\$500 per pump plus installation), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$2,000	TOTAL	\$188
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Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 10
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(i)
Violation Description Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations.

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 verify the accuracy of the disinfectant analyzers could result in customers of the water supply being exposed to an insignificant amounts of contamination which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 30 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$50

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

Estimated EB Amount \$105 **Violation Final Penalty Total** \$61

This violation Final Assessed Penalty (adjusted for limits) \$61

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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				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]	\$100	29-Aug-2009	29-Sep-2009	1.00	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to verify the accuracy of the chlorine residual analyzers once per month, calculated for the month prior to the investigation date.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 11
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(D)
Violation Description Failed to prevent livestock from occupying the land within 50 feet of the Facility's well. Specifically, at the time of the investigation, it was noted that a livestock fence was approximately 35 feet from Well No. 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to keep livestock at least 50 feet from the well could result in the contamination of the water supply and/or exposure of customers to a significant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 4 100 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

Four monthly events are recommended from the date of the investigation, September 29, 2009, to the date of screening, January 7, 2010.

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 \$1,000

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

Estimated EB Amount \$76 **Violation Final Penalty Total** \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
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	\$1,000	29-Sep-2009	1-Nov-2010	1.09	\$4	\$73	\$76
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 relocate the livestock fence so that livestock are kept at least 50 feet from the Facility well, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$76

Screening Date	7-Jan-2010	Docket No.	2010-0061-MLM-E	PCW
Respondent	Shiloh Ridge Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	38977			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101215549			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
V12	12			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(v)			
Violation Description	Failed to securely install all Facility electrical wiring in compliance with a local or national electrical code. Specifically, at the time of the investigation, it was noted that electrical wiring for Well Nos. 2 and 3 was exposed and not compliant with a local or national electrical code.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes
 Failure to install all Facility electrical wiring in compliance with a local or national electrical code may cause equipment to malfunction resulting in low pressure or outages which could expose customers of the water supply to a significant amount of pollutants, which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

Four monthly events are recommended from the date of the investigation, September 29, 2009, to the date of screening, January 7, 2010.

Good Faith Efforts to Comply 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 \$1,000

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

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 12

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	\$150	29-Sep-2009	14-Dec-2009	0.21	\$0	\$2	\$2
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	29-Sep-2009	1-Sep-2010	0.92	\$0	\$9	\$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 equipment delayed costs include the estimated amount to install the Facility's electrical wiring for Well No. 2 in compliance with a local or national electrical code, calculated from the date of the investigation to the date of compliance. The other delayed costs include the estimated amount to install the Facility's electrical wiring for Well No. 3 in compliance with a local or national electrical code, 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

\$12

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 13
Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(1)
Violation Description Failed to provide the Facility's two 1,000 gallon pressure tanks with an access port for periodic inspections.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Without an access port installed on the pressure tanks, an operator would not be able to inspect the pressure tanks and the integrity of the pressure tanks could be compromised.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4 100 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$400

Four quarterly events (two events per tank) are recommended, calculated from the date of the investigation, September 29, 2009, to the date of screening, January 7, 2010.

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 \$400

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

Estimated EB Amount \$231

Violation Final Penalty Total \$488

This violation Final Assessed Penalty (adjusted for limits) \$488

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$3,000	26-Sep-2009	1-Nov-2010	1.10	\$11	\$220	\$231
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 equip two pressure tanks with access ports, 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

\$3,000

TOTAL

\$231

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 14
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)
Violation Description Failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment. Specifically, at the time of the investigation, it was documented that the chlorine pump at Well No. 2 was malfunctioning.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to maintain the Facility equipment in a good working condition could result in customers of the water system 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 2 100 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$200

Two quarterly events are recommended from the date of the investigation, September 29, 2009, to the date of screening, January 7, 2010.

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 \$200

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

Estimated EB Amount \$39 **Violation Final Penalty Total** \$244

This violation Final Assessed Penalty (adjusted for limits) \$244

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 14

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	\$600	29-Sep-2009	1-Sep-2010	0.92	\$2	\$37	\$39
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 repair or replace the chlorine pump at Well 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

\$600

TOTAL

\$39

Screening Date 7-Jan-2010 **Docket No.** 2010-0061-MLM-E **PCW**
Respondent Shiloh Ridge Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38977 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101215549
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 15
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(P)
Violation Description Failed to provide an all-weather access road to the Well No. 2 and Well No. 3 sites.

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 provide an all-weather access road may make it difficult for the operator to access the well to maintain or operate the water supply during heavy or sustained rainfall events or in emergency situations.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 100 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

Two single events (one per well site) are 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 \$229 **Violation Final Penalty Total** \$122

This violation Final Assessed Penalty (adjusted for limits) \$122

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Public Water Supply
Violation No. 15

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	\$3,000	29-Sep-2009	1-Nov-2010	1.09	\$11	\$218	\$229
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an all-weather access road to the well sites, 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

\$3,000

TOTAL

\$229



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	7-Jan-2010	Screening	7-Jan-2010	EPA Due	
	PCW	21-Apr-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Shiloh Ridge Water Supply Corporation		
Reg. Ent. Ref. No.	RN101215549		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	38977	No. of Violations	1	
Docket No.	2010-0061-MLM-E	Order Type	1660	
Media Program(s)	Water Rights	Government/Non-Profit	Yes	
Multi-Media	Public Water Supply	Enf. Coordinator	Epifanio Villarreal	
		EC's Team	Enforcement Team 2	
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$250
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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.

Compliance History	22.0% Enhancement	Subtotals 2, 3, & 7	\$55
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Notes: The penalty enhancement is due to one NOV for violations that are dissimilar to the violations in the current enforcement case and one agreed final enforcement order containing a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$26
 Approx. Cost of Compliance: \$500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$305
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$305

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$305
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$305
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Screening Date 7-Jan-2010

Docket No. 2010-0061-MLM-E

PCW

Respondent Shiloh Ridge Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38977

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101215549

Media [Statute] Water Rights

Enf. Coordinator Epifanio Villarreal

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one NOV for violations that are dissimilar to the violations in the current enforcement case and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date	7-Jan-2010	Docket No.	2010-0061-MLM-E	PCW
Respondent	Shiloh Ridge Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	38977			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101215549			
Media [Statute]	Water Rights			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 288.30(5)			
Violation Description	Failed to develop and maintain a drought contingency plan for the Facility.			
Base Penalty	\$5,000			

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
				Percent	0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
			x		Percent
					5%
Matrix Notes	30% to 70% of the rule requirement was not met.				
					Adjustment
					\$4,750

\$250

Violation Events

Number of Violation Events	1	Number of violation days	100	Violation Base Penalty	\$250
<i>mark only one with an x</i>	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
	One single event is recommended.				

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDRP/Settlement
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	\$250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$26	Statutory Limit Test	
		Violation Final Penalty Total	\$305

This violation Final Assessed Penalty (adjusted for limits) \$305

Economic Benefit Worksheet

Respondent Shiloh Ridge Water Supply Corporation
Case ID No. 38977
Reg. Ent. Reference No. RN101215549
Media Water Rights
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)	\$500	29-Sep-2009	1-Jul-2010	0.75	\$1	\$25	\$26
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 prepare and approve a drought contingency plan for the Facility, 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

\$500

TOTAL

\$26

C. Chronic excessive emissions events.

N/A

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

1 09/28/2006 (510905)

2 03/17/2008 (611495)

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

Date: 08/05/2005 (395873) CN603579772

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

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
SHILOH RIDGE WATER SUPPLY
CORPORATION;
RN101215549**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2010-0061-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Shiloh Ridge Water Supply Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent appear before the Commission and together stipulate that:

1. Respondent owns and operates a public water system located two miles east of Highway 59, on Farm-to-Market Road 1988 in Polk County, Texas (the "Facility"). The Facility provides water for human consumption, has 98 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66). In addition, the Facility adjoins and is contiguous with or surrounds state water as defined in TEX. WATER CODE ch. 11.
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and TEX. WATER CODE § 11.0842. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE §§ 5.013 and 11.0842 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. WATER CODE ch. 11, TEX. HEALTH & SAFETY CODE ch. 341, and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of seven thousand two hundred eighty-two dollars (\$7,282.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid two hundred eighty-two dollars (\$282.00) of the administrative penalty. The remaining amount of seven thousand dollars (\$7,000.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of two hundred dollars (\$200.00) each. The first monthly payment shall

be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.
8. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
 - a. Installed and calibrated well meters on October 10, 2010 (Allegation No. 1.d.);
 - b. Installed a new chlorine pump for Well No. 2 on October 10, 2010, to address the failure to initiate maintenance and housekeeping practices at the Facility to ensure good working condition of facility equipment (Allegation No. 1.n.);
 - c. Developed and adopted an adequate service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted (Allegation No. 1.a.);
 - d. Provided documentation to demonstrate monitoring of the disinfectant residual at representative locations in the distribution system on May 20, 2009 (Allegation No. 1.e.); and
 - e. Submitted documentation to demonstrate proper operation of disinfection equipment to maintain minimum disinfectant residual in accordance with 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), on October 1, 2009 (Allegation Nos. 1.f. and 1.g.).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on September 29, 2009, a TCEQ Beaumont Regional Office investigator documented that Respondent violated:
 - a. 30 TEX. ADMIN. CODE § 290.46(i), by failing to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, the agreement utilized by the Facility did not list unacceptable plumbing practices or enforcement policies and did not require the customer's signature to ensure compliance with the agreement;
 - b. 30 TEX. ADMIN. CODE § 290.46(j), by failing to complete a customer service inspection certificate 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 hazard exists. Specifically, at the time of the investigation, it was documented that a customer service inspection certificate was not completed for the new construction at 488 Fredericksburg Lane;
 - c. 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III) and (f)(3)(D)(ii), by failing to maintain Facility operation and maintenance records and have them available for review by Commission personnel during the investigation. Specifically, records of the amount of chemicals used each week, the volume of water treated each week, and the annual inspections for the pressure tanks were not available at the time of the investigation;
 - d. 30 TEX. ADMIN. CODE § 290.46(s)(1), by failing to calibrate well flow meters at the Facility at least once every three years. Specifically, the flow meters for Well Nos. 2 and 3 had not been calibrated in the past three years;
 - e. 30 TEX. ADMIN. CODE § 290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations in the distribution system once every seven days. Specifically, the Facility did not monitor the disinfectant residual concentration between May 4, 2009, and May 19, 2009;
 - f. 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), by failing to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, field tests conducted on September 29, 2009, at 488 Fredericksburg Lane, at a residence on Gettysburg Road, and at the entry point to the distribution system at Well No. 2 recorded free chlorine residuals of 0.02 mg/L, 0.0 mg/L and 0.04 mg/L, respectively;

- g. 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), by failing to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times. Specifically, field tests conducted on September 30, 2009, at 488 Fredericksburg Lane and at a residence on Gettysburg Road recorded free chlorine residuals of 0.07 mg/L and 0.04/ mg/L, respectively;
- h. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection. Specifically, an exception was granted to the Facility on September 25, 2006, which would allow for the water system to provide a well capacity of 1.5 gallons per minute ("gpm") per connection and a pressure tank capacity of 50 gallons per connection in lieu of meeting a total storage capacity requirement. The Facility, however, has failed to meet the conditions of this exception with a 44% deficiency in pressure tank capacity and a 31% deficiency in well capacity;
- i. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), by failing to provide two or more service pumps with a total capacity of 2.0 gpm per connection. Specifically, an exception was granted to the Facility on September 25, 2006, which would allow the Facility to provide a well capacity of 1.5 gpm per connection and a pressure tank capacity of 50 gallons per connection in lieu of meeting the service pump capacity requirements. The Facility, however, has failed to meet the conditions of this exception with a 44% deficiency on pressure tank capacity and a 31% deficiency on well capacity;
- j. 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i), by failing to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations;
- k. 30 TEX. ADMIN. CODE § 290.41(c)(1)(D), by failing to prevent livestock from occupying land within 50 feet of Well No. 2. Specifically, livestock were allowed to range along a fence located approximately 35 feet from Well No. 2;
- l. 30 TEX. ADMIN. CODE § 290.46(v), by failing to securely install all facility electrical wiring in compliance with a local or national electrical code. Specifically, electrical wiring for Well Nos. 2 and 3 were exposed;
- m. 30 TEX. ADMIN. CODE § 290.43(d)(1), by failing to provide the Facility's two 1,000 gallon pressure tanks with an access port for periodic inspections;
- n. 30 TEX. ADMIN. CODE § 290.46(m), by failing to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment. Specifically, the chlorine pump at Well No. 2 was malfunctioning;
- o. 30 TEX. ADMIN. CODE § 290.41(c)(3)(p), by failing to provide an all-weather access road to Well Nos. 2 and 3; and

- p. 30 TEX. ADMIN. CODE § 288.30(5), by failing to develop and maintain a drought contingency plan for the Facility.
2. Respondent received notice of the violations on or about November 24, 2009.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Shiloh Ridge Water Supply Corporation, Docket No. 2010-0061-MLM-E" to:

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

2. Respondent shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, Respondent shall:
 - i. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including, but not limited to, recording and keeping on file the amount of chemicals used each week, the volume of water treated each week and annual inspections for the pressure tanks (Allegation No. 1.c.), in accordance with 30 TEX. ADMIN. CODE § 290.46(f); and
 - ii. Begin verifying the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations (Allegation No. 1.j.), in accordance with 30 TEX. ADMIN. CODE § 290.46(s).
 - b. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Develop and begin maintaining a drought contingency plan for the Facility (Allegation No. 1.p.), in accordance with 30 TEX. ADMIN. CODE § 288.30; and

- ii. Securely install the electrical wiring for Well Nos. 2 and 3 in compliance with a local or national electrical code (Allegation No. 1.i.), in accordance with 30 TEX. ADMIN. CODE § 290.46(v).
- c. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification as described in Ordering Provision No. 2.i., below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.
- d. Within 60 days after the effective date of this Agreed Order, Respondent shall complete a customer service inspection certificate for 488 Fredericksburg Lane, and shall begin completing customer service inspection certificates prior to providing continuous water service to new construction (Allegation No. 1.b.), in accordance with 30 TEX. ADMIN. CODE § 290.46(j).
- e. Within 90 days after the effective date of this Agreed Order, Respondent shall:
 - i. Ensure that livestock is prevented from occupying the land within 50 feet of Well No. 2 (Allegation No. 1.k.), in accordance with 30 TEX. ADMIN. CODE § 290.41(c);
 - ii. Provide each of the Facility's 1,000 gallon pressure tanks with an access port for periodic inspections (Allegation No. 1.m.), in accordance with 30 TEX. ADMIN. CODE § 290.43(d)(1); and
 - iii. Provide an all-weather access road to Well Nos. 2 and 3 (Allegation No. 1.o.), in accordance with 30 TEX. ADMIN. CODE § 290.41(c)(3).
- f. Within 105 days after the effective date of this Agreed Order, Respondent shall submit written certification as described in Ordering Provision No. 2.i., below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision Nos. 2.d. and 2.e.
- g. Within 180 days after the effective date of this Agreed Order, Respondent shall provide a minimum alternative well capacity of 1.5 gpm per connection and pressure tank capacity of 50 gallons per connection pursuant to the total storage (Allegation No. 1.h.) and service pump (Allegation No. 1.i.) capacity requirement exceptions approved by the Executive Director.
- h. Within 195 days after the effective date of this Agreed Order, Respondent shall submit written certification as described in Ordering Provision No. 2.i., below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 2.g.

- i. The certifications required by these Ordering Provisions shall include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance. The certifications 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 fine and imprisonment for knowing violations."

Shiloh Ridge shall submit the written certifications and copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Ronald Hebert, Water Section Manager
Texas Commission on Environmental Quality
Beaumont Regional Office
3870 Eastex Freeway
Beaumont, Texas, Texas 77703-1830

3. Respondent may, in lieu of Ordering Provisions Nos. 2.g. and 2.h.:
 - a. Within 18 months after the effective date of this Agreed Order:
 - i. Provide a total storage capacity of 200 gallons per connection (Allegation No. 1.h.), as required by 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide two or more service pumps with a total capacity of 2.0 gpm per connection (Allegation No. 1.i.), as required by 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Submit written certification as described in Ordering Provision No. 2.i., above, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii.
4. All relief not expressly granted in this Agreed Order is denied.

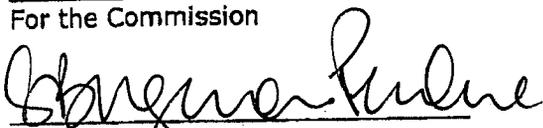
5. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
6. The Executive Director may grant 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against 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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and Tex. Gov't Code § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Shiloh Ridge Water Supply Corporation
Docket No. 2010-0861-MLM-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

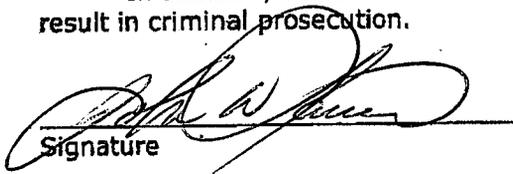
2/18/2011 JSLR
12/13/2010
Date

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

I also understand that failure to comply with the Ordering Provisions in this Agreed 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.


Signature

12/13/2010
Date

JOHN W LARSON
Name (Printed or typed)
Authorized representative of
Shiloh Ridge Water Supply Corporation

PRESIDENT
Title