

**CAPTION: Docket No. 2010-1414-PWS-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tom Green County Fresh Water Supply District 2 in Tom Green County; RN101426047; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)**

Page 1 of 3

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-1414-PWS-E **TCEQ ID:** RN101426047 **CASE NO.:** 38222  
**RESPONDENT NAME:** Tom Green County Fresh Water Supply District 2

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 166o AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Tom Green County FWSD 2 Christoval, 508 Anson Street, Christoval, Tom Green County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 25, 2011. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Ms. JeanAnn Danbert, President, Tom Green County Fresh Water Supply District 2, P.O. Box 131, Christoval, Texas 76935  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 1, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 9, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failed to provide jar tests for determining the optimum coagulant dose [30 TEX. ADMIN. CODE § 290.42(d)(15)(C)(vi)].</p> <p>2) Failed to calibrate the flow measuring devices at least once every 12 months [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>3) Failed to calibrate the benchtop turbidimeter every 90 days [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i)].</p> <p>4) Failed to maintain on file and make available for Commission review accurately completed copies of Surface Water Monthly Operating Reports ("SWMORs") [30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(i)].</p> <p>5) Failed to maintain records of the monthly calibration conducted on the on-line turbidimeters [30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(v) and TCEQ Agreed Order Docket No. 2009-1374-PWS-E, Ordering Provision No. 2.a.i.].</p> <p>6) Failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit [30 TEX. ADMIN. CODE §</p>	<p><b>Total Assessed:</b> \$604</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$604</p> <p><b>Compliance History Classifications:</b>            Person/CN-            Site/RN -</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b></p> <p>This case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order:</p> <p>i. Begin maintaining on file and make available for Commission review accurately completed copies of SWMORs;</p> <p>ii. Begin maintaining a record keeping system for the online turbidimeters calibration records; and</p> <p>iii. Begin checking the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Provide jar tests for determining the optimum coagulant dose;</p> <p>ii. Begin calibrating the flow measuring devices at least every 12 months; and</p> <p>iii. Begin calibrating the benchtop turbidimeter every 90 days.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

290.46(s)(2)(B)(iv) and TCEQ Agreed Order Docket No. 2009-1374-PWS-E, Ordering Provision No. 2.a.ii.].		
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Additional ID No(s): PWS Registration 2260004



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	16-Aug-2010	<b>Screening</b>	26-Aug-2010	<b>EPA Due</b>	28-Feb-2011
	<b>PCW</b>	26-Aug-2010				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Tom Green County Fresh Water Supply District 2	
<b>Reg. Ent. Ref. No.</b>	RN101426047	
<b>Facility/Site Region</b>	8-San Angelo	<b>Major/Minor Source</b> Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	38222	<b>No. of Violations</b>	6
<b>Docket No.</b>	2010-1414-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Andrea Linson-Mgbeodu
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

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

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

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

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

Notes

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

Notes

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

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

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

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

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

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

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

Screening Date 26-Aug-2010

Docket No. 2010-1414-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 2 (September 2002)

Case ID No. 38222

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	3	6%
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%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 26%

#### >> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for three dissimilar NOVs and an agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 26%

Screening Date 26-Aug-2010

Docket No. 2010-1414-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 2 (September 2002)

Case ID No. 38222

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(15)(C)(vi)

Violation Description Failed to provide jar tests for determining the optimum coagulant dose.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%).

>> Programmatic Matrix

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

Matrix Notes Failure to have the appropriate equipment to conduct necessary testing of the water supply could result in customers of the water system being exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 56

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

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, July 1, 2010 to the screening date, August 26, 2010.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with X).

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$281

Violation Final Penalty Total \$126

This violation Final Assessed Penalty (adjusted for limits) \$126

## Economic Benefit Worksheet

**Respondent** Tom Green County Fresh Water Supply District 2  
**Case ID No.** 38222  
**Req. Ent. Reference No.** RN101426047  
**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	\$4,842	1-Jul-2010	30-Apr-2011	0.83	\$13	\$268	\$281
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to purchase jar testing equipment, 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

\$4,842

**TOTAL**

\$281

Screening Date 26-Aug-2010

Docket No. 2010-1414-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 2 (September 2002)

Case ID No. 38222

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 2

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

Violation Description Failed to calibrate flow measuring devices at least once every 12 months. Specifically, at the time of the investigation, it was documented that the flow meter on the clean water backwashing filters had not been calibrated within the last 12 months.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (5%).

>> Programmatic Matrix

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

Matrix Notes Failure to calibrate the flow meters can prevent the operator from making accurate usage and treatment calculations thereby exposing customers to an insignificant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 56

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

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked 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 \$34

Violation Final Penalty Total \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

# Economic Benefit Worksheet

**Respondent** Tom Green County Fresh Water Supply District 2  
**Case ID No.** 38222  
**Reg. Ent. Reference No.** RN101426047  
**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)				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]	\$31	1-Jul-2009	1-Jul-2010	1.92	\$3	\$31	\$34
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the flow meter on the clean water backwashing filters, calculated for the year prior to the investigation.

Approx. Cost of Compliance \$31

**TOTAL** \$34

Screening Date 26-Aug-2010

Docket No. 2010-1414-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 2 (September 2002)

Case ID No. 38222

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(B)(i)

Violation Description Failed to calibrate the benchtop turbidimeter with primary standards at least every 90 days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (5%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%). Matrix Notes: Failure to properly calibrate laboratory equipment could expose customers to an insignificant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 56

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

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked 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 \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

## Economic Benefit Worksheet

**Respondent** Tom Green County Fresh Water Supply District 2  
**Case ID No.** 38222  
**Reg. Ent. Reference No.** RN101426047  
**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				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	1-Jul-2010	26-Aug-2010	1.07	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to calibrate the benchtop turbidimeter, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$100

**TOTAL** \$105

Screening Date 26-Aug-2010

Docket No. 2010-1414-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 2 (September 2002)

Case ID No. 38222

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(E)(i)

Violation Description

Failed to maintain on file and make available for Commission review accurately completed copies of Surface Water Monthly Operating Reports ("SWMOR"). Specifically, at the time of the investigation, it was documented that the information recorded on pages 4 and 5 of the SWMOR for June 2010 was incorrect.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent failed to meet less than 30% of the rule requirement.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

56 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$13

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

## Economic Benefit Worksheet

**Respondent** Tom Green County Fresh Water Supply District 2  
**Case ID No.** 38222  
**Reg. Ent. Reference No.** RN101426047  
**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	\$45	1-Jul-2010	10-Apr-2011	0.78	\$2	n/a	\$2
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 begin maintaining accurate SWMOR data, calculated from the investigation date to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

**TOTAL**

\$2

Screening Date 26-Aug-2010

Docket No. 2010-1414-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 2 (September 2002)

Case ID No. 38222

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(3)(B)(v) and TCEQ Agreed Order Docket No. 2009-1374-PWS-E, Ordering Provision No. 2.a.i

Violation Description

Failed to maintain records of the calibration conducted on the on-line turbidimeters. Specifically, at the time of the investigation, a review of the Facility's records showed that the last calibration that was annotated was more than a year ago.

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 1%

Matrix Notes

The Respondent failed to meet less than 30% of the rule requirement.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

137 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$10

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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$13

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

## Economic Benefit Worksheet

**Respondent** Tom Green County Fresh Water Supply District 2  
**Case ID No.** 38222  
**Req. Ent. Reference No.** RN101426047  
**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	\$45	11-Apr-2010	10-Apr-2011	1.00	\$2	n/a	\$2
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 begin maintaining a record keeping system for the online turbidimeter calibration records, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-1374-PWS-E to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$45

**TOTAL** \$2

Screening Date 26-Aug-2010

Docket No. 2010-1414-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 2 (September 2002)

Case ID No. 38222

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(B)(iv) and TCEQ Agreed Order Docket No. 2009-1374-PWS-E, Ordering Provision No. 2.a.ii

Violation Description

Failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to check the calibration of the online turbidimeter once each week could affect maintenance of the disinfectant level in the water supplied to the customers of the Facility, exposing the customers to significant amount of contaminants, which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

137 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$200

Two quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-1374-PWS-E, April 11, 2010, to the screening date, August 26, 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 \$213

Violation Final Penalty Total \$252

This violation Final Assessed Penalty (adjusted for limits) \$252

# Economic Benefit Worksheet

**Respondent** Tom Green County Fresh Water Supply District 2  
**Case ID No.** 38222  
**Reg. Ent. Reference No.** RN101426047  
**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]	\$200	11-Apr-2010	26-Aug-2010	1.29	\$13	\$200	\$213
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to check the calibration of the online turbidimeters at least once each week (\$10/wk), calculated from the effective date of TCEQ Agreed Order Docket No. 2009-1374-PWS-E to the screening date.

Approx. Cost of Compliance \$200

**TOTAL** \$213

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600740302 Tom Green County FWSD 2 Classification: Rating:  
Regulated Entity: RN101426047 TOM GREEN COUNTY FWSD 2 Classification: Site Rating:  
CHRISTOVAL  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2260004  
WATER LICENSING LICENSE 2260004  
Location: 508 ANSON STREET, CHRISTOVAL, TOM GREEN COUNTY, TEXAS  
TCEQ Region: REGION 08 - SAN ANGELO  
Date Compliance History Prepared: August 26, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 16, 2005 to August 16, 2010  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

## Site Compliance History Components

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

## Components (Multimedia) for the Site :

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

Effective Date: 04/11/2010

ADMINORDER 2009-1374-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)

Description: Failed to provide a flow measuring device for the raw water supplied to the treatment facility, as documented during an investigation conducted on June 5, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Description: Failed to maintain records of the monthly calibration conducted on the on-line turbidimeters, as documented during an investigation conducted on June 5, 2009.

Classification: Moderate

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

Description: Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, as documented during an investigation conducted on June 5, 2009.

Classification: Moderate

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

Description: Failed to inspect each of the Facility's ground storage tanks on an annual basis, as documented during an investigation conducted on June 5, 2009.

Classification: Minor

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

Description: Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, as documented during an investigation conducted on June 5, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)

Description: Failed to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit, as documented during an investigation conducted on June 5, 2009.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)

Description: Failed to complete the minimum level of required treatment to the water source prior to the

water entering the distribution system, as documented during an investigation conducted on June 5, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failure to inspect the Facility's pressure tank on an annual basis. Specifically, on the date of the investigation, it was noted that the most recent inspection conducted on the Facility's one pressure tank was dated 2007.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 12/05/2005 (437716)  
2 05/09/2006 (464510)  
3 02/20/2007 (540158)  
4 03/23/2007 (554589)  
5 07/15/2007 (645314)  
6 10/01/2007 (645946)  
7 07/27/2009 (760965)  
8 08/09/2010 (829859)

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

Date: 05/09/2006 (464510)

CN600740302

Self Report? NO

Classification: Minor

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

Description: Failure to upgrade portions of the distribution system with lines sized to provide adequate flow and pressure under all conditions.

Date: 02/20/2007 (540158)

CN600740302

Self Report? NO

Classification: Minor

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

Description: Failure to upgrade portions of the distribution system with lines sized to provide adequate flow and pressure under all conditions.

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(5)

30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description: Failure to provide sufficient valves and blow-offs so that necessary repairs can be made without undue interruption of service and failure to equip a 6 inch unused line with a flush valve to prevent inadequately disinfected and/or stagnant water.

Self Report? NO

Classification: Major

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

Description: Failure to upgrade portions of the distribution system with lines sized to provide adequate flow and pressure under all conditions.

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)

Description: Failure to maintain a thorough plant operations manual.

Self Report? NO

Classification: Minor

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

Description: Failure to employ an operator who has completed the Surface Water Unit II course.

Date: 07/15/2007 (645314)

CN600740302

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)

Description: BACT - MONITORING/REPORTING VIOLATIONS

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)

Description: PUBLIC NOTICE

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  
TOM GREEN COUNTY FRESH  
WATER SUPPLY DISTRICT 2  
RN101426047**

**§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-1414-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Tom Green County Fresh Water Supply District 2 (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply at 508 Anson Street in Christoval, Tom Green County, Texas (the “Facility”) that has approximately 237 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on July 1, 2010, TCEQ staff documented that the Respondent did not provide jar tests for determining the optimum coagulant dose.
3. During an investigation conducted on July 1, 2010, TCEQ staff documented that the Respondent did not calibrate flow measuring devices at least once every 12 months. Specifically, at the time of the investigation, it was documented that the flow meter on the clean water backwashing filters had not been calibrated within the last 12 months.
4. During an investigation conducted on July 1, 2010, TCEQ staff documented that the Respondent did not calibrate the benchtop turbidimeter with primary standards at least every 90 days.
5. During an investigation conducted on July 1, 2010, TCEQ staff documented that the Respondent did not maintain on file and make available for Commission review accurately completed copies of Surface Water Monthly Operating Reports ("SWMOR"). Specifically, at the time of the investigation, it was documented that the information recorded on pages 4 and 5 of the SWMOR for June 2010 was incorrect.
6. During an investigation conducted on July 1, 2010, TCEQ staff documented that the Respondent did not maintain records of the monthly calibration conducted on the on-line turbidimeters. Specifically, at the time of the investigation, a review of the Facility's records showed that the last calibration that was annotated was more than a year ago.
7. During an investigation conducted on July 1, 2010, TCEQ staff documented that the Respondent did not check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.
8. The Respondent received notice of the violations on August 13, 2010.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide jar tests for determining the optimum coagulant dose, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(15)(C)(vi).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to calibrate the flow measuring devices at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).

4. As evidenced by Findings of Fact No. 4, the Respondent failed to calibrate the benchtop turbidimeter every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to maintain on file and make available for Commission review accurately completed copies of SWMORs, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(i).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain records of the monthly calibration conducted on the on-line turbidimeters, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(v) and TCEQ Agreed Order Docket No. 2009-1374-PWS-E, Ordering Provision No. 2.a.i.
7. As evidenced by Findings of Fact No. 7, the Respondent failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv) and TCEQ Agreed Order Docket No. 2009-1374-PWS-E, Ordering Provision No. 2.a.ii.
8. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of Six Hundred Four Dollars (\$604) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Six Hundred Four Dollar (\$604) administrative penalty.

### **III. ORDERING PROVISIONS**

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

1. The Respondent is assessed an administrative penalty in the amount of Six Hundred Four Dollars (\$604) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Tom Green County Fresh Water Supply District 2, Docket No. 2010-1414-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Agreed Order:
    - i. Begin maintaining on file and make available for Commission review accurately completed copies of SWMORs, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Begin maintaining a record keeping system for the online turbidimeters calibration records, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - iii. Begin checking the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Provide jar tests for determining the optimum coagulant dose, in accordance with 30 TEX. ADMIN. CODE § 290.42;
    - ii. Begin calibrating the flow measuring devices at least every 12 months, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - iii. Begin calibrating the benchtop turbidimeter every 90 days, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
San Angelo Regional Office  
Texas Commission on Environmental Quality  
622 South Oakes, Suite K  
San Angelo, Texas 76903-7013

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission’s jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format (“pdf”), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term “signature” shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms “electronic transmission”, “owner”, “person”, “writing”, and “written” shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Tom Green County Fresh Water Supply District 2  
DOCKET NO. 2010-1414-PWS-E  
Page 7

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*John Szolner*

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

4/25/2011  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Tom Green County Fresh Water Supply District 2. I am authorized to agree to the attached Agreed Order on behalf of Tom Green County Fresh Water Supply District 2, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Tom Green County Fresh Water Supply District 2 waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*J. Danbert*  
\_\_\_\_\_  
Signature

2/16/11  
Date

*JeanAnn Danbert*  
Name (Printed or typed)  
Authorized Representative of  
Tom Green County Fresh Water Supply District 2

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

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