

Executive Summary – Enforcement Matter – Case No. 39950
Murvaul Water Supply Corporation
RN101458214
Docket No. 2010-1054-PWS-E

Order Type:
Agreed Order

Findings Order Justification:
N/A

Media:
PWS

Small Business:
Yes

Location Where Violation Occurred:
County Road 183 off of Farm-to-Market Road 1970, Panola County

Type of Operation:
Public water supply system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: May 13, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$605

Amount Deferred for Expedited Settlement: N/A

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$605

Total Due to General Revenue: \$0

SEP Conditional Offset: N/A

Name of SEP: N/A

Compliance History Classifications:

Person/CN – N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 39950
Murvaul Water Supply Corporation
RN101458214
Docket No. 2010-1054-PWS-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date of Investigation: May 10, 2010
Date of NOV: July 2, 2007; September 4, 2009
Date of NOE: May 28, 2010

Violation Information

1. Failed to provide a well capacity of 0.6 gallons per minute (“gpm”) per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(a)(1)].
2. Failed to provide emergency power that will deliver water at a rate of 0.35 gpm per connection in the event of the loss of normal power supply [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. Received approval from TCEQ on December 16, 2010, allowing a minimum alternative well capacity of .53 gpm per connection; and
2. Installed two emergency power generators for the Facility on or about October 10, 2010.

Technical Requirements:

N/A

Litigation Information

Date Petition Filed: November 19, 2010
Date Answer Filed: December 16, 2010
SOAH Referral Date: February 2, 2011
Hearing Date:
Preliminary hearing: March 9, 2011
Evidentiary hearing: May 26, 2011
Settlement Date: April 8, 2011

Contact Information

TCEQ Attorneys: Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-3400
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Amenda Henry, Water Enforcement Section, (713) 767-3672

TCEQ Regional Contact: Noel Luper, Tyler Regional Office, MC R-5, (903) 535-5174

Respondent: Rex Graves, President, Murvaul Water Supply Corporation, 4180 Farm-to-Market Road 197075633

Respondent's Attorney: G. Dean Soape, Attorney at Law, Soape & Associates, APC, 4180 FM 1970, Carthage, Texas 75633-5168



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	1-Jun-2010	Screening	11-Jun-2010	EPA Due	
	PCW	29-Sep-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Murvaul Water Supply Corporation
Reg. Ent. Ref. No.	RN101458214
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	39950	No. of Violations	2	
Docket No.	2010-1054-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Amanda Henry	
		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	\$550
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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	10.0% Enhancement	Subtotals 2, 3, & 7	\$55
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Notes	Enhancement due to two prior Notices of Violation ("NOV") with same or similar violations as those in the current enforcement action.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$2,076	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$27,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$605
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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	
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Final Penalty Amount	\$605
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$605
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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.
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PAYABLE PENALTY	\$605
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Screening Date 11-Jun-2010

Docket No. 2010-1054-PWS-E

PCW

Respondent Murvaul Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 39950

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101458214

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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) 10%

>> 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 due to two prior Notices of Violation ("NOV") with same or similar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date	11-Jun-2010	Docket No.	2010-1054-PWS-E	PCW
Respondent	Murvaul Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	39950	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN101458214			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Amanda Henry			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(a)(1)			
Violation Description	Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the record review, it was documented that the Facility provided a well capacity of 136 gpm. Based on 251 service connections, the Facility is required to provide a minimum well capacity of 151 gpm, which is a ten percent deficiency.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			x
	Percent	5%		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%
Matrix Notes	Failing to provide adequate well capacity may expose customers of the Facility 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	31	Number of violation days
<i>mark only one with an x</i>	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
Violation Base Penalty	\$50		
One single event is recommended.			

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement
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	\$769	Violation Final Penalty Total	\$55
This violation Final Assessed Penalty (adjusted for limits)		\$55	

Economic Benefit Worksheet

Respondent Murvaul Water Supply Corporation
Case ID No. 39950
Reg. Ent. Reference No. RN101458214
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	10-May-2010	15-Jun-2011	1.10	\$37	\$732	\$769
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a minimum well capacity of 0.6 gpm 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

\$10,000

TOTAL

\$769

Screening Date 11-Jun-2010 **Docket No.** 2010-1054-PWS-E **PCW**
Respondent Murvaul Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 39950 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101458214
Media [Statute] Public Water Supply
Enf. Coordinator Amanda Henry

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(v) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide emergency power that will deliver water at a rate of 0.35 gpm per connection in the event of the loss of normal power supply. Specifically, at the time of the record review, it was documented that the Facility failed to provide an emergency power source, such as a back-up generator, which is required for Facilities that have no elevated storage and serves 250 or more service connections.

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="25%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Failing to provide emergency power could cause customers of the Facility to experience water outages which could result in a significant amount of contaminants which would exceed levels protective of human health.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Two monthly events are recommended, calculated from the record review date, May 10, 2010, to the date of screening, June 11, 2010.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text" value="mark with x"/>

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

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 Murvaul Water Supply Corporation
Case ID No. 39950
Reg. Ent. Reference No. RN101458214
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	\$17,000	10-May-2010	15-Jun-2011	1.10	\$62	\$1,245	\$1,307
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 provide sufficient emergency power to deliver a minimum of 0.35 gpm per connection to each of the 251 connections, calculated from the date of the record review 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	\$17,000	TOTAL	\$1,307
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Compliance History Report

Customer/Respondent/Owner-Operator: CN600658157 Murvaul Wsc Classification: Rating:
Regulated Entity: RN101458214 MURVAUL WSC Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1830010

Location: WATER LICENSING LICENSE 1830010
LOCATED ON CR 183 OFF OF FM 1970 IN PANOLA CO

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: June 10, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 10, 2005 to June 10, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Amanda Henry Phone: 713-767-3672

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

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

C. Chronic excessive emissions events.
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 06/28/2007 (558286)
2 04/24/2008 (637650)
3 09/04/2009 (766243)
4 05/25/2010 (802168)

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

Date: 07/02/2007 (558286)
Self Report? NO

CN600658157

Classification: Moderate

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

Description: Failure to obtain a permit to discharge backwash filter water into Jones Branch of Lake Murvaul.

Self Report? NO Classification: Moderate

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

Description: Failure to provide a minimum water well capacity of 0.6 gpm per connection.

Self Report? NO Classification: Moderate

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

Description: Failure to visually inspect the filter media and internal filter surfaces of the pressure filters on an annual basis.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G)
Description: Failure to obtain TCEQ approval for the use of LAS.

Date: 09/04/2009 (766243) CN600658157

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)
Description: Failure to obtain a permit to discharge backwash filter water into Jones Branch of Lake Murvaul.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
Description: Failure to provide a minimum water well capacity of 0.6 gpm per connection.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(2)
Description: Failure to visually inspect the filter media and internal filter surfaces of the pressure filters on an annual basis.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G)
Description: Failure to obtain TCEQ approval for the use of LAS.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(v)
Description: Failure to provide emergency power.

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
MURVAUL WATER SUPPLY
CORPORATION;
RN101458214**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2010-1054-PWS-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 Murvaul Water Supply Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Mr. G. Dean Soape of the law firm Soape & Associates, APC, appear before the Commission and together stipulate that:

1. Respondent owns and operates a public water system located on County Road 183 off of Farm-to-Market Road 1970 in Panola County, Texas (the "Facility"). The Facility provides water for human consumption, has 251 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).
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of 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 six hundred five dollars (\$605.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid six hundred five dollars (\$605.00) of the administrative penalty.
6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

7. The Executive Director of the TCEQ and 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. Received approval from TCEQ on December 16, 2010, allowing a minimum alternative well capacity of .53 gallons per minute ("gpm") per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45(g); and
 - b. Installed two emergency power generators for the Facility on or about October 10, 2010.
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 a record review conducted on May 10, 2010, a TCEQ Tyler Regional Office investigator documented that Respondent violated:
 - a. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(a)(1), by failing to provide a well capacity of 0.6 gpm per connection. Specifically, the Facility provided a well capacity of 136 gpm. Based upon 251 service connections, the Facility is required to provide a minimum well capacity of 151 gpm, which is a ten percent deficiency; and
 - b. 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c), by failing to provide emergency power that will deliver water at a rate of 0.35 gpm per connection in the event of the loss of normal power supply. Specifically, the Facility failed to provide an emergency power source, such as a back-up generator, which is required for facilities that have no elevated storage and serve 250 or more service connections.
2. Respondent received notice of the violations on or about June 2, 2010.

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.
2. All relief not expressly granted in this Agreed Order is denied.
3. 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.
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 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.
5. 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.
6. 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.
7. 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.

Murvaul Water Supply Corporation
Docket No. 2010-1054-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Eugene Purdie

For the Executive Director

6/10/2011

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 Murvaul 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 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.

G. Debra Sage
Signature

4-11-2011
Date

G. Debra Sage
Name (Printed or typed)
Authorized representative of
Murvaul Water Supply Corporation

Attorney
Title

Rex L. Graves
Rex GRAVES

4-11-11
Date
President
Title