

Page 1 of 2

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-2059-PWS-E **TCEQ ID:** RN101459758 **CASE NO.:** 40874  
**RESPONDENT NAME:** Prairie Grove Water Supply Corporation

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 166o 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	
<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> Prairie Grove Water Supply Corporation, 3436 Farm-to-Market Road 1818, Angelina County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on October 13, 2010 alleging poor drinking water quality and water outages. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 9, 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. Kelly Wisian, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2570; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Eddie Courtney, General Manager, Prairie Grove Water Supply Corporation, 3284 C.C. Road, Diboll, Texas 75941-4004  Mr. C. Lynn Pavlic, President, Prairie Grove Water Supply Corporation, 3284 C.C. Road, Diboll, Texas 75941-4004  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input 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> October 13, 2010</p> <p><b>Date of Investigation Relating to this Case:</b> October 22, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 16, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WATER</b></p> <p>1) Failed to operate the disinfection equipment to maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4)].</p> <p>2) Failed to maintain maintenance records for Facility equipment and appurtenances [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(vi)].</p> <p>3) Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH &amp; SAFETY CODE § 341.033(a)].</p>	<p><b>Total Assessed:</b> \$532</p> <p><b>Total Deferred:</b> \$106  <input checked="" 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> \$426</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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. As of September 2, 2010, began performing all process control duties by a licensed operator or under the direct supervision of a licensed operator; and</p> <p>b. On October 23, 2010, began maintaining a free chlorine residual of at least 0.2 mg/L free chlorine.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order begin maintaining and make accessible for review during inspections, records of water works operations and maintenance activities.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): PWS Registration 0030027



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	20-Dec-2010	<b>Screening</b>	20-Dec-2010	<b>EPA Due</b>	
	<b>PCW</b>	22-Dec-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Prairie Grove Water Supply Corporation
<b>Reg. Ent. Ref. No.</b>	RN101459758
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	40874	<b>No. of Violations</b>	3
<b>Docket No.</b>	2010-2059-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Kelly Wisian
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$360
-------------------------------------------------------------	-------------------	-------

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

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

<b>Compliance History</b>	45.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$162
---------------------------	-------------------	--------------------------------	-------

Notes: Enhancement for one NOV with same/similar violations, five dissimilar NOVs, and one final court judgement containing a denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$25
------------------------------------------------------	-------------------	------

<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts: \$202  
Approx. Cost of Compliance: \$245  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$497
-----------------------------	-----------------------	-------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---------------------------------------------	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$497
-----------------------------	-------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$532
-----------------------------------	-------------------------------	-------

<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$106
-----------------	-----------------	-------------------	--------

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

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$426
------------------------	-------

**Screening Date** 20-Dec-2010

**Docket No.** 2010-2059-PWS-E

**PCW**

**Respondent** Prairie Grove Water Supply Corporation

Policy Revision 2 (September 2002)

**Case ID No.** 40874

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101459758

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Kelly Wisian

### 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> )	1	5%
	Other written NOVs	5	10%
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> )	1	30%
	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)** 45%

>> **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 one NOV with same/similar violations, five dissimilar NOVs, and one final court judgement containing a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 45%

Screening Date 20-Dec-2010

Docket No. 2010-2059-PWS-E

PCW

Respondent Prairie Grove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 40874

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101459758

Media [Statute] Public Water Supply

Enf. Coordinator Kelly Wisian

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4)

Violation Description Failed to operate the disinfection equipment to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, at the time of the October 22, 2010 investigation, a field test conducted at a customer's line and the ground storage tank indicated free chlorine residuals of 0.06 mg/L and 0.19 mg/L, respectively.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%). Includes Matrix Notes: Failure to maintain proper levels of disinfection could expose customers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$25

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

Notes: The Respondent achieved compliance on October 23, 2010.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$200

Violation Final Penalty Total \$120

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

## Economic Benefit Worksheet

**Respondent** Prairie Grove Water Supply Corporation  
**Case ID No.** 40874  
**Reg. Ent. Reference No.** RN101459758  
**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				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]				0.00	\$0	\$0	\$0
Other (as needed)	\$200	22-Oct-2010	23-Oct-2010	0.00	\$0	\$200	\$200

Notes for AVOIDED costs

The avoided costs include the amount necessary for additional maintenance and oversight to ensure the Facility is adequately maintaining the appropriate chlorine residual. The date required is the date of the investigation. The final date is the actual date of compliance.

Approx. Cost of Compliance

\$200

**TOTAL**

\$200

Screening Date 20-Dec-2010

Docket No. 2010-2059-PWS-E

PCW

Respondent Prairie Grove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 40874

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101459758

Media [Statute] Public Water Supply

Enf. Coordinator Kelly Wisian

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(3)(A)(vi)

Violation Description Failed to maintain maintenance records for Facility equipment and appurtenances. Specifically, on the date of the investigation, there were no facility records provided for the replacement of the well pump and meter for well no. 1.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes Less than 10% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 Number of violation days 59

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 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 \$2

Violation Final Penalty Total \$15

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

# Economic Benefit Worksheet

**Respondent** Prairie Grove Water Supply Corporation  
**Case ID No.** 40874  
**Reg. Ent. Reference No.** RN101459758  
**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	\$45	22-Oct-2010	1-Aug-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 develop and begin maintaining a record keeping system for all operation and maintenance activities at the Facility, 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 20-Dec-2010

Docket No. 2010-2059-PWS-E

PCW

Respondent Prairie Grove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 40874

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101459758

Media [Statute] Public Water Supply

Enf. Coordinator Kelly Wisian

Violation Number 3

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

Violation Description

Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license. Specifically, on the date of the investigation, it was documented that an individual was performing process control duties without a license.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				0%

Matrix Notes

Failing to operate the Facility under the direct supervision of an appropriately licensed water works operator may result in improper operation of the Facility and expose 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 Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$250

One single event is recommended based on the date, September 1, 2010, that process control duties were performed by an unlicensed individual.

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$363

This violation Final Assessed Penalty (adjusted for limits) \$363

# Economic Benefit Worksheet

**Respondent** Prairie Grove Water Supply Corporation  
**Case ID No.** 40874  
**Reg. Ent. Reference No.** RN101459758  
**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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

There is no economic benefit associated with this violation because the Facility has an operator.

Approx. Cost of Compliance \$0

**TOTAL** \$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600639850 Prairie Grove WSC Classification: Rating:  
Regulated Entity: RN101459758 PRAIRIE GROVE WSC Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0030027  
Location: 3436 FM 1818, ANGELINA COUNTY, TEXAS  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: December 20, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: December 20, 2005 to December 20, 2010  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Kelly Wisian Phone: (512) 239 - 2570

## 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: 04/04/2007 COURTORDER
- Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(3)(K)  
Description: Failure to provide a 16-mesh or finer corrosion-resistant screen for the well casing vent on the wells.
- Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
Description: Failure to adopt a service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.
- Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(7)  
Description: Failure to equip the chlorination room with an upper level screened vent.
- Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)  
Description: Failure to provide facilities for determining the amount of disinfection used daily as well as the amount of disinfection remaining for use.
- Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(1)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)  
Description: Failure to keep a record of chlorine residual tests.
- Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)  
Description: Failure to provide a well capacity of 0.6 gallons per minute per connection.
- Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
Description: Failure to provide a total storage capacity of 200 gallons per connection.
- Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)  
Description: Failure to provide a pressure tank capacity of 20 gallons per connection.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
Description: Failure to secure a sanitary easement covering all property within 150 feet of each well location.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)  
Description: Failure to install a flow meter on the well pump discharge line.

Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
Description: Violation of CO requiring that facility adopt adequate plumbing agreement with provisions for proper enforcement to insure neither cross connections nor other unacceptable plumbing practices are permitted.

Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
Description: Violation of CO requiring that facility secure sanitary easement covering all property w/in 150 feet of each well location from adjacent landowners and record the deeds at the county courthouse.

Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)  
Description: Violation of CO requiring that facility provide well capacity of .6 gpm.

Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
Description: Violation of CO requiring that facility provide total storage capacity of 200 gals per connection.

Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)  
Description: Violation of CO requiring that facility provide pressure tank capacity of 20 gals per connection.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)  
Description: Failure to repair the water level indicator on the pressure tank at Water Plant No. 2.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
Description: Failure to inspect the interior of the pressure tank at Water Plant # 2 every five years.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)  
Description: Failure to install the required air gap on the water line to abandoned Water Plant # 1.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)  
Description: Failure to provide an all weather road to Water Plant # 2.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)  
Description: Failure to provide a full-face self-contained breathing apparatus (SCBA) for each water plant using chlorine gas.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)  
Description: Failure to protect chlorine cylinders from adverse weather conditions.

Classification: Moderate  
Citation: 30 TAC Chapter 288, SubChapter C 288.30(3)  
Description: Failure to have a drought contingency plan.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to maintain the system's facilities and equipment.

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 12/27/2006 (518867)  
2 08/15/2007 (645525)  
3 11/01/2007 (646002)  
4 02/05/2008 (652051)  
5 02/05/2008 (702146)  
6 04/03/2008 (702846)  
7 08/28/2008 (702847)  
8 10/01/2008 (703351)

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

Date: 12/27/2006 (518867) CN600639850

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)  
Description: Failure to flush all dead end mains at least once a month.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)  
Description: Failure to maintain records of complaints.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)  
Description: Failure to plug abandoned wells or provide test results proving that these wells are in a non-deteriorated condition.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
Description: Failure to use an appropriate customer service agreement.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)  
Description: Failure to conduct a customer service inspection by a certified individual on all new construction.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: Failure to perform the annual tank inspections on the pressure tanks.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)  
Description: Failure to install an appropriate rotameter at Plant #1.

Date: 08/15/2007 (645525) CN600639850

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

Date: 02/05/2008 (702146) CN600639850

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Date: 02/05/2008 (652051) CN600639850  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TOTAL TRIHALOMETHANES

Date: 04/03/2008 (702846) CN600639850  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 08/28/2008 (702847) CN600639850  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.

- 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  
PRAIRIE GROVE WATER  
SUPPLY CORPORATION  
RN101459758**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-2059-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Prairie Grove Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 3436 Farm-to-Market Road 1818 in Angelina County, Texas (the "Facility") that has approximately 206 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on December 20, 2010.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Five Hundred Thirty-Two Dollars (\$532) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Four Hundred Twenty-Six Dollars (\$426) of the administrative penalty and One Hundred Six Dollars (\$106) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred 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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. As of September 2, 2010, began performing all process control duties by a licensed operator or under the direct supervision of a licensed operator; and
  - b. On October 23, 2010, began maintaining a free chlorine residual of at least 0.2 milligrams per liter ("mg/L") free chlorine.
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 the 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**

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to operate the disinfection equipment to maintain a disinfectant residual of 0.2 mg/L free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), as documented during an investigation conducted on October 22, 2010.
2. Failed to maintain maintenance records for Facility equipment and appurtenances, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(vi), as documented during an investigation conducted on October 22, 2010.

3. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on October 22, 2010.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the 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 requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Prairie Grove Water Supply Corporation, Docket No. 2010-2059-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. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order begin maintaining and make accessible for review during inspections, records of water works operations and maintenance activities, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - b. 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 No. 2.a. 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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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. 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.
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. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Prairie Grove Water Supply Corporation  
DOCKET NO. 2010-2059-PWS-E  
Page 6

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*John Zoller*  
For the Executive Director

5/20/2011  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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, 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.

*Sharon Courtney*  
Signature

5-11-11  
Date

Sharon Courtney  
Name (Printed or typed)  
Authorized Representative of  
Prairie Grove Water Supply Corporation

*Sec*  
Title

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