

Executive Summary – Enforcement Matter – Case No. 41272
SKIDMORE WATER SUPPLY CORPORATION
RN104620026
Docket No. 2011-0370-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Skidmore Water Supply Corporation, 400 North 4th Street, Skidmore, Bee County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 10, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,280

Amount Deferred for Expedited Settlement: \$256

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,024

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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RN104620026
Docket No. 2011-0370-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 13, 2011

Date(s) of NOE(s): February 23, 2011

Violation Information

1. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].
2. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities [30 TEX. ADMIN. CODE § 290.46(j)].
3. Failed to properly seal the wellhead with a gasket or sealing compound and failed to provide a 16-mesh of finer corrosion-resistant screen on the well casing vent [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].
4. Failed to test backflow prevention assemblies which are installed to provide protection against health hazards on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications [30 TEX. ADMIN. CODE § 290.44(h)(4)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:

- a. On October 21, 2010, began flushing the dead-end mains on a monthly basis;
- b. On January 24, 2011, completed all of the required customer service inspection certificates;
- c. On January 31, 2011, provided compliance documentation demonstrating that the wellhead at Well No. 1 was properly sealed with a sealing compound and the well casing vent was screened with a 16-mesh or finer corrosion-resistant screen; and
- d. On January 24, 2011, tested and certified the backflow prevention assembly at the wastewater treatment plant to be within operating specifications by a recognized backflow prevention assembly tester.

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Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Andrea Byington, Enforcement Division,
Enforcement Team 2, MC 169, (512) 239-2579; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Keith Petrus, President, SKIDMORE WATER SUPPLY CORPORATION,
104 South 8th Street, Skidmore, Texas, 78389

James Strong, Registered Agent, SKIDMORE WATER SUPPLY CORPORATION, 104
South 8th Street, Skidmore, Texas, 78389

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Feb-2011	Screening	7-Mar-2011	EPA Due	
	PCW	6-Apr-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	SKIDMORE WATER SUPPLY CORPORATION
Reg. Ent. Ref. No.	RN104620026
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	41272	No. of Violations	4
Docket No.	2011-0370-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Andrea Byington
		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** **\$1,600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **5.0%** Enhancement **Subtotals 2, 3, & 7** **\$80**

Notes: Enhancement for one Notice of Violation (NOV) with a same or similar violation.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$400**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$88
Approx. Cost of Compliance \$1,048
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$1,280**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$1,280**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,280**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$256**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,024**

Screening Date 7-Mar-2011

Docket No. 2011-0370-PWS-E

PCW

Respondent SKIDMORE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 41272

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104620026

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Byington

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	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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one Notice of Violation (NOV) with a same or simliar violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 7-Mar-2011

Docket No. 2011-0370-PWS-E

PCW

Respondent SKIDMORE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 41272

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104620026

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Byington

Violation Number 1

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

Violation Description Failed to flush all dead-end mains at monthly intervals. Specifically, based on a review of records at the time of the investigation, it was determined that monthly flushing of the dead-end mains had not occurred during the months of October 2009 through September 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (10%). Includes an 'OR' label.

>> Programmatic Matrix

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

Matrix Notes: Failing to flush dead-end mains at monthly intervals could expose customers of the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4 Number of violation days 385

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

Violation Base Penalty \$400

Four quarterly events recommended, calculated from October 1, 2009 to October 21, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$100

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

Notes: The Respondent achieved compliance on October 21, 2010.

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$320

This violation Final Assessed Penalty (adjusted for limits) \$320

Economic Benefit Worksheet

Respondent SKIDMORE WATER SUPPLY CORPORATION
Case ID No. 41272
Reg. Ent. Reference No. RN104620026
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)	\$750	1-Oct-2009	21-Oct-2010	1.05	\$3	\$53	\$55
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to initiate a flushing program at monthly intervals, calculated for the period the system was not in 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

\$750

TOTAL

\$55

Screening Date 7-Mar-2011

Docket No. 2011-0370-PWS-E

PCW

Respondent SKIDMORE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 41272

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104620026

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Byington

Violation Number 2

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

Violation Description

Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. Specifically, at the time of the investigation, it was documented that a customer service inspection certificate had not been completed on ten new connections prior to being connected to the distribution system. The new customers are located in the City of Skidmore at 888 Corrigan Street, 1029 Corrigan Street, 847 Corrigan Street, 921 Corrigan Street, 103 S. Signal Street, 911 Corrigan Street, 948 Corrigan Street, 935 Corrigan Street, 932 Corrigan Street, and 525 S. 7th Street.

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			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 10 Number of violation days 11

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

Ten single events are recommended (one event per site).

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent achieved compliance on January 24, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$800

This violation Final Assessed Penalty (adjusted for limits) \$800

Economic Benefit Worksheet

Respondent SKIDMORE WATER SUPPLY CORPORATION
Case ID No. 41272
Reg. Ent. Reference No. RN104620026
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
<small>No commas or \$</small>							

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	\$205	13-Jan-2011	24-Jan-2011	0.03	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to complete a customer service inspection certificate prior to providing service to 10 new connections, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

	\$205
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TOTAL

	\$0
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Screening Date 7-Mar-2011

Docket No. 2011-0370-PWS-E

PCW

Respondent SKIDMORE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 41272

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104620026

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Byington

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description

Failed to properly seal the wellhead with a gasket or sealing compound and failed to provide a 16-mesh or finer corrosion-resistant screen on the well casing vent. Specifically, at the time of the investigation, it was documented that Well No. 1 was not properly sealed at the location where the electrical wires for the submersible pump entered into the wellhead and the well casing vent was not screened with a 16-mesh or finer corrosion-resistant screen.

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 seal the wellhead with a gasket or sealing compound and failure to screen the well casing vent could allow insects, dust, and other significant amount of contaminants to enter the source water which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

18 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, January 13, 2011 to the date of compliance, January 31, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$25

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

Notes

The Respondent achieved compliance on January 31, 2011.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$80

This violation Final Assessed Penalty (adjusted for limits) \$80

Economic Benefit Worksheet

Respondent SKIDMORE WATER SUPPLY CORPORATION
Case ID No. 41272
Reg. Ent. Reference No. RN104620026
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	\$62	13-Jan-2011	31-Jan-2011	0.05	\$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

The delayed costs include the estimated amount to seal the wellhead with a gasket or sealing compound and to screen the well casing vent with a 16-mesh or finer corrosion-resistant screen, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$62

TOTAL

\$0

Screening Date 7-Mar-2011

Docket No. 2011-0370-PWS-E

PCW

Respondent SKIDMORE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 41272

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104620026

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Byington

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

Failed to test backflow prevention assemblies which are installed to provide protection against health hazards on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications. Specifically, at the time of the investigation, it was documented that the backflow prevention assembly installed at the wastewater treatment plant had not been tested since September 18, 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%
Failure to test and certify a backflow prevention assembly at a site where a potential contamination hazard exists could result in the back siphonage of pollutants into the distribution and expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 365 Number of violation days

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

Violation Base Penalty \$100

One annual event is recommended, calculated for the 12 month period preceding the date of the investigation, January 13, 2011.

Good Faith Efforts to Comply

25.0% Reduction \$25

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

Notes The Respondent achieved compliance on January 24, 2011.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33 Violation Final Penalty Total \$80

This violation Final Assessed Penalty (adjusted for limits) \$80

Economic Benefit Worksheet

Respondent SKIDMORE WATER SUPPLY CORPORATION
Case ID No. 41272
Reg. Ent. Reference No. RN104620026
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$31	13-Jan-2010	13-Jan-2011	1.00	\$2	\$31	\$33
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

The avoided cost includes the amount to test the assembly installed at the wastewater treatment plant, calculated for the 12 month period proceeding the date of the investigation.

Approx. Cost of Compliance \$31

TOTAL \$33

Compliance History

Customer/Respondent/Owner-Operator: CN601234636 Skidmore Water Supply Corporation Classification: Rating: 2.30
AVERAGE
Regulated Entity: RN104620026 SKIDMORE WSC Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0130066
Location: 400 N 4TH ST, SKIDMORE, BEE COUNTY, TEXAS
TCEQ Region: REGION 14 - CORPUS CHRISTI
Date Compliance History Prepared: March 03, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 03, 2006 to March 03, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Andrea Byington Phone: (512) 239-2579

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.
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 | 08/08/2008 | (688123) |
| 2 | 02/23/2011 | (894673) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	08/08/2008	(688123)	CN601234636
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B) 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)		
Description:	The chlorine room was not properly vented.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)		
Description:	Failure to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4)		
Description:	Failure to test and certify to be operating within specifications at least annually backflow prevention assemblies which are installed to provide protection against health hazards.		

- 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
SKIDMORE WATER SUPPLY
CORPORATION
RN104620026**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0370-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 SKIDMORE 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 400 North 4th Street in Skidmore, Bee County, Texas (the "Facility") that has approximately 213 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 February 24, 2011.
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 One Thousand Two Hundred Eighty Dollars (\$1,280) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Twenty-Four Dollars (\$1,024) of the administrative penalty and Two Hundred Fifty-Six Dollars (\$256) 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 implemented the following corrective measures at the Facility:
 - a. On October 21, 2010, began flushing the dead-end mains on a monthly basis;
 - b. On January 24, 2011, completed all of the required customer service inspection certificates;
 - c. On January 31, 2011, provided compliance documentation demonstrating that the wellhead at Well No. 1 was properly sealed with a sealing compound and the well casing vent was screened with a 16-mesh or finer corrosion-resistant screen; and
 - d. On January 24, 2011, tested and certified the backflow prevention assembly at the wastewater treatment plant to be within operating specifications by a recognized backflow prevention assembly tester.
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 flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l), as documented during an investigation conducted on January 13, 2011.
2. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on January 13, 2011.
3. Failed to properly seal the wellhead with a gasket or sealing compound and failed to provide a 16-mesh of finer corrosion-resistant screen on the well casing vent, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), as documented during an investigation conducted on January 13, 2011.
4. Failed to test backflow prevention assemblies which are installed to provide protection against health hazards on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4), as documented during an investigation conducted on January 13, 2011.

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: SKIDMORE WATER SUPPLY CORPORATION, Docket No. 2011-0370-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 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.
3. 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.
4. 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.

SKIDMORE WATER SUPPLY CORPORATION

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5. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sellers

For the Executive Director

6/10/2011

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.

Keith Petrus

Signature

5-5-11

Date

KEITH PETRUS

Name (Printed or typed)
Authorized Representative of
SKIDMORE WATER SUPPLY CORPORATION

PRESIDENT

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.