

Executive Summary – Enforcement Matter – Case No. 37345
North San Saba Water Supply Corporation
RN101225613
Docket No. 2012-0557-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

North San Saba WSC, located at Farm-to-Market (“FM”) Road 500, north of San Saba, San Saba 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: August 10, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,079

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$604

Total Due to General Revenue: \$20,475

Payment Plan: 35 payments of \$585 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$67

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 37345
North San Saba Water Supply Corporation
RN101225613
Docket No. 2012-0557-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 14, 2012

Date(s) of NOE(s): December 14, 2011

Violation Information

1. Failed to enclose all well units and storage tanks with an intruder-resistant fence [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e)].
2. Failed to seal the wellhead with a gasket or sealing compound [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].
3. Failed to properly install an air release device in such a manner to preclude the possibility of submergence or the entrance of contaminants [30 TEX. ADMIN. CODE § 290.44(d)(1)].
4. Failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed [30 TEX. ADMIN. CODE § 290.42(e)(4)(c)].
5. Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].
6. Failed to provide Facility records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(iv), (f)(3)(D)(i), and (f)(3)(D)(ii)].
7. Failed to provide documentation showing that the Facility is maintaining internal procedures to notify the Executive Director (“ED”) by a toll-free reporting phone number immediately following certain events that may negatively impact the production or delivery of safe and adequate drinking water [30 TEX. ADMIN. CODE § 290.46(w)].
8. Failed to provide emergency power that will deliver water at a rate of 0.35 gallons per minute (“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)].
9. Failed to provide an elevated storage tank capacity of 100 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2009-0413-PWS-E, Ordering Provision 2.a.i.].

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RN101225613
Docket No. 2012-0557-PWS-E

10. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2009-0413-PWS-E, Ordering Provision 2.a.ii.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the site:

- a. Rendered the fence on the north side of FM 500 intruder-resistant and repair the barbed wire;
- b. Sealed the opening on the top of the well casing on Well No. 1;
- c. Screened the vent on the air release device on the east side of Highway 16, north of San Saba with a 16-mesh or finer screening;
- d. Screened the lower ventilation opening on the chlorine storage building at the FM 500 Facility;
- e. Provided a small bottle of fresh ammonia solution that is readily accessible outside the chlorinator room at the Farm-to-Market Road 500 Facility;
- f. Began maintaining internal procedures to notify the ED by a toll-free reporting phone number immediately of certain events if the event negatively impacts the production or delivery of safe and adequate drinking water; and
- g. Compiled and began maintaining microbiological analysis records, results of tank inspections for all water storage and pressure maintenance facilities, and verification of ANSI/NSF Standard 60 for all chemical additives.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, provide calibration certificates for both well meters;
- b. Within 45 days, submit written certification, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.;
- c. Within 180 days, provide emergency power that will deliver water at a minimum of 0.35 gpm per connection;

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North San Saba Water Supply Corporation
RN101225613
Docket No. 2012-0557-PWS-E

- d. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision c.;
- e. Within 730 days:
 - i. Provide an elevated storage tank capacity of 100 gallons per connection; and
 - ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection.
- f. Within 745 days, submit written certification to demonstrate compliance with Ordering Provision e.

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: Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Kathy Gage, President, North San Saba Water Supply Corporation, P.O. Box 598, San Saba, Texas 76877
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|-----------------|------------|------------------|------------|----------------|--|
| DATES | Assigned | 5-Mar-2012 | Screening | 8-Mar-2012 | EPA Due | |
| | PCW | 8-Mar-2012 | | | | |

| | |
|----------------------------------------|-----------------------------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | North San Saba Water Supply Corporation |
| Reg. Ent. Ref. No. | RN101225613 |
| Facility/Site Region | 9-Waco |
| Major/Minor Source | Minor |

| | | | |
|----------------------------------------|---------------------|------------------------------|---------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 37345 | No. of Violations | 2 |
| Docket No. | 2012-0557-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Epifanio Villarreal |
| | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$16,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **24.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,900**

Notes: Enhancement for two NOVs with dissimilar violations and one order with denial.

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** **\$0**

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

Total EB Amounts **\$13,730**
 Approx. Cost of Compliance **\$80,102**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$20,150**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$20,150**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$20,150**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$20,150**

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37345

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

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

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 2 | 4% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 24%

>> **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 two NOVs with dissimilar violations and one order with denial.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 24%

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37345

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(D)(iv), Tex. Health & Safety Code § 341.0315(c), and Texas Commission on Environmental Quality ("TCEQ") Agreed Order Docket No. 2009-0413-PWS-E, Ordering Provision 2.a.i.

Violation Description

Failed to provide an elevated storage tank capacity of 100 gallons per connection. With 295 service connections, the Facility must provide a minimum elevated storage tank capacity of 29,500 gallons. However, it was noted that the Facility currently provides 7,615 gallons of elevated storage tank capacity, which is a 74% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | x | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Without sufficient elevated storage capacity, the Facility's ability to provide a safe and adequate supply of water to the customers could be impaired and could expose customers to contaminants that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 31 928 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$7,750

Thirty-one monthly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2009-0413-PWS-E, August 23, 2009, to the date of screening, March 8, 2012.

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 \$7,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11,884

Violation Final Penalty Total \$9,610

This violation Final Assessed Penalty (adjusted for limits) \$9,610

Economic Benefit Worksheet

Respondent North San Saba Water Supply Corporation

Case ID No. 37345

Reg. Ent. Reference No. RN101225613

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 | \$47,052 | 23-Aug-2009 | 1-Apr-2013 | 3.61 | \$566 | \$11,318 | \$11,884 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an elevated storage tank capacity of a minimum of 100 gallons per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0413-PWS-E, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$47,052

TOTAL

\$11,884

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 37345

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2009-0413-PWS-E, Ordering Provision 2.a.ii.

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility has 295 service connections and must provide a minimum service pump capacity of 590 gpm. The Facility is currently providing 260 gpm, which is a 56% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | x | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Without adequate service pump capacity, customers of the water system could experience water outages and backflow problems exposing customers to contaminants that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 31 928 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$7,750

Thirty-one monthly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2009-0413-PWS-E, August 23, 2009, to the date of screening, March 8, 2012.

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 \$7,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,263

Violation Final Penalty Total \$9,610

This violation Final Assessed Penalty (adjusted for limits) \$9,610

Economic Benefit Worksheet

Respondent North San Saba Water Supply Corporation
Case ID No. 37345
Reg. Ent. Reference No. RN101225613
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 | \$5,000 | 23-Aug-2009 | 1-Apr-2013 | 3.61 | \$60 | \$1,203 | \$1,263 |
| 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 estimated amount to install an additional pump to meet the total pump capacity of 2.0 gpm, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0413-PWS-E, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,263



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

ICEQ

| | | | | | | |
|--------------|-----------------|------------|------------------|------------|----------------|--|
| DATES | Assigned | 5-Mar-2012 | Screening | 8-Mar-2012 | EPA Due | |
| | PCW | 8-Mar-2012 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | |
|-----------------------------|-----------------------------------------|---------------------------|-------|
| Respondent | North San Saba Water Supply Corporation | | |
| Reg. Ent. Ref. No. | RN101225613 | | |
| Facility/Site Region | 9-Waco | Major/Minor Source | Minor |

CASE INFORMATION

| | | | |
|----------------------------------------|---------------------|------------------------------|---------------------|
| Enf./Case ID No. | 37345 | No. of Violations | 8 |
| Docket No. | 2012-0557-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Epifanio Villarreal |
| | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$715**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **24.0%** Enhancement **Subtotals 2, 3, & 7** **\$171**

Notes: Enhancement for two NOVs with dissimilar violations and one order with denial.

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** **\$24**

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

Total EB Amounts \$2,568
Approx. Cost of Compliance \$28,905
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$862**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$862**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$929**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$929**

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 37345

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 2 | 4% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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) 24%

>> 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 two NOVs with dissimilar violations and one order with denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 24%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 24%

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 37345

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.41(c)(3)(O) and 290.43(e)

Violation Description Failed to enclose all well units and storage tanks with an intruder-resistant fence. Specifically, at the time of the investigation, it was documented that the fence on the north side of the Facility was measured to be 5 feet 4 inches in height. In addition, the barbed wire on the top of the fence was not secured.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 3.0% |
| Potential | | | X | |

>> Programmatic Matrix

| Falsification | Harm | | | Percent |
|---------------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| | | | | 0.0% |

Matrix Notes Failure to provide an intruder-resistant fence for the well may expose customers to an insignificant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 1 85 Number of violation days

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

Violation Base Penalty \$30

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$3

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

Notes The Respondent achieved compliance on March 28, 2012.

Violation Subtotal \$27

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$34

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

Economic Benefit Worksheet

Respondent North San Saba Water Supply Corporation
Case ID No. 37345
Req. Ent. Reference No. RN101225613
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) | \$500 | 14-Dec-2011 | 28-Mar-2012 | 0.29 | \$0 | \$10 | \$10 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to render the fence intruder-resistant, 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

\$500

TOTAL

\$10

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 37345

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

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

Violation Description Failed to seal the wellhead with a gasket or sealing compound. Specifically, at the time of the investigation, it was documented that the opening on the top of the well casing on Well No. 1 was not properly sealed.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 3.0% |
| Potential | | | x | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

Matrix Notes

Failure to seal the wellhead with a gasket or sealing compound could allow contaminants into the water supply and expose customers to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 1 85 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$30

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$3

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

Notes The Respondent achieved compliance on March 28, 2012.

Violation Subtotal \$27

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$34

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

Economic Benefit Worksheet

Respondent North San Saba Water Supply Corporation
Case ID No. 37345
Req. Ent. Reference No. RN101225613
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) | \$50 | 14-Dec-2011 | 28-Mar-2012 | 0.29 | \$0 | \$1 | \$1 |
| 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 seal the wellhead, 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 \$50

TOTAL \$1

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 37345

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.44(d)(1)

Violation Description

Failed to properly install an air release device in such a manner to preclude the possibility of submergence or the entrance of contaminants. Specifically, at the time of the investigation, it was documented that the vent on the air release device on the east side of Highway 16, north of San Saba was not properly screened.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | x | |

Percent 5.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Failure to properly screen an air release-device could allow the entrance of contaminants that could expose customers to a significant amount of pollutants that would not exceed levels that are protective human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

85 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$50

One quarterly event is recommended from the date of the investigation, December 14, 2011 to the date of screening, March 8, 2012.

Good Faith Efforts to Comply

10.0% Reduction

\$5

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

Notes The Respondent achieved compliance on March 28, 2012.

Violation Subtotal \$45

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$57

This violation Final Assessed Penalty (adjusted for limits) \$57

Economic Benefit Worksheet

Respondent North San Saba Water Supply Corporation

Case ID No. 37345

Reg. Ent. Reference No. RN101225613

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 | \$50 | 14-Dec-2011 | 28-Mar-2012 | 0.29 | \$0 | \$1 | \$1 |
| 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 estimated amount necessary to properly screen the air release device with a 16-mesh or finer screening, 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

\$50

TOTAL

\$1

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 37345

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(c)

Violation Description

Failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed. Specifically, at the time of the investigation, it was documented that the lower ventilation opening on the chlorine storage building at the Farm-to-Market Road 500 Facility was not properly screened.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | x |

Percent 3.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Failure to screen a ventilation opening could allow vermin to enter which could expose the water supply to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 1

85 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$30

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$3

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

Notes The Respondent achieved compliance on March 28, 2012.

Violation Subtotal \$27

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$34

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

Economic Benefit Worksheet

Respondent North San Saba Water Supply Corporation
Case ID No. 37345
Reg. Ent. Reference No. RN101225613
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) | \$50 | 14-Dec-2011 | 28-Mar-2012 | 0.29 | \$0 | \$1 | \$1 |
| 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 screen the vent opening, 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 | \$50 | TOTAL | \$1 |
|----------------------------|------|--------------|-----|

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 37345

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(A)

Violation Description

Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency. Specifically, at the time of the investigation, it was documented that there was no small bottle of fresh ammonia solution available at the Farm-to-Market Road 500 Facility.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | x | |

Percent 5.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Failure to provide a bottle of fresh ammonia solution for testing for chlorine leakage may not allow the operator to detect and locate small leaks in the chlorination facilities. As a result, the operator could be exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

85 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$50

One quarterly event is recommended from the date of the investigation, December 14, 2011 to the date of screening, March 8, 2012.

Good Faith Efforts to Comply

10.0% Reduction

\$5

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

Notes The Respondent achieved compliance on March 28, 2012.

Violation Subtotal \$45

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$57

This violation Final Assessed Penalty (adjusted for limits) \$57

Economic Benefit Worksheet

Respondent North San Saba Water Supply Corporation
Case ID No. 37345
Red. Ent. Reference No. RN101225613
Media Public Water Supply
Violation No. 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|------|-------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$25 | 14-Dec-2011 | 28-Mar-2012 | 0.29 | \$0 | \$0 | \$1 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a bottle of fresh ammonia solution, 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

\$25

TOTAL

\$1

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 37345

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(B)(iv), (f)(3)(D)(i), and (f)(3)(D)(ii)

Violation Description

Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the following records were not accessible for review: routine bacteriological sample result for June 2011, external tank inspection forms for all tanks and internal inspection for the pressure tank, calibration certificates for both well meters, and verification of American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for all chemical additives.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | x | |

Percent 2.5%

Matrix Notes

30% to 70% of the rule requirement was not met.

Adjustment \$975

\$25

Violation Events

Number of Violation Events 1

85 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$25

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 \$25

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$31

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

Economic Benefit Worksheet

Respondent North San Saba Water Supply Corporation
Case ID No. 37345
Reg. Ent. Reference No. RN101225613
Media Public Water Supply
Violation No. 6

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <i>No commas or \$</i> | | | | | | | |

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 | \$180 | 14-Dec-2011 | 1-Nov-2012 | 0.88 | \$8 | n/a | \$8 |
| 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 properly maintain records, calculated from the date of the investigation to 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 | \$180 | TOTAL | \$8 |
|----------------------------|-------|--------------|-----|

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 37345

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

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

Violation Description

Failed to provide documentation showing that the Facility is maintaining internal procedures to notify the Executive Director by a toll-free reporting phone number immediately following certain events that may negatively impact the production or delivery of safe and adequate drinking water.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

1

85 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$5

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

Notes The Respondent achieved compliance on March 28, 2012.

Violation Subtotal \$45

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$57

This violation Final Assessed Penalty (adjusted for limits) \$57

Economic Benefit Worksheet

Respondent North San Saba Water Supply Corporation
Case ID No. 37345
Reg. Ent. Reference No. RN101225613
Media Public Water Supply
Violation No. 7

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|------|-------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$50 | 14-Dec-2011 | 28-Mar-2012 | 0.29 | \$0 | \$1 | \$1 |
| 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 develop and maintain internal written procedures to notify the Executive Director of certain events that may negatively impact the production and delivery of safe and adequate drinking water, 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

\$50

TOTAL

\$1

Screening Date 8-Mar-2012

Docket No. 2012-0557-PWS-E

PCW

Respondent North San Saba Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 37345

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101225613

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 8

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 gallons per minute ("gpm") per connection in the event of the loss of normal power supply. Specifically, at the time of the investigation, it was documented that the Respondent failed to provide an emergency power source, such as a back-up generator, which is required for a Facility that does not meet the elevated storage requirement and serves 250 or more service connections.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | x | | |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Without any emergency power, customers of the Facility could be exposed to contaminants that would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

3

85 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$450

Three monthly events are recommended from the date of the investigation, December 14, 2011 to the date of screening, March 8, 2012.

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 \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,545

Violation Final Penalty Total \$558

This violation Final Assessed Penalty (adjusted for limits) \$558

Economic Benefit Worksheet

Respondent North San Saba Water Supply Corporation

Case ID No. 37345

Reg. Ent. Reference No. RN101225613

Media Public Water Supply

Violation No. 8

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|----------|-------------|------------|------|-------|---------|---------|
| Equipment | \$28,000 | 14-Dec-2011 | 1-Apr-2013 | 1.30 | \$121 | \$2,424 | \$2,545 |
| 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 estimated amount to provide sufficient emergency power to deliver a minimum of 0.35 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

\$28,000

TOTAL

\$2,545

Compliance History Report

| | | | |
|-----------------------------------------------|-----------------------------------------------------|-----------------|--------------|
| Customer/Respondent/Owner-Operator: | CN600666325 North San Saba Water Supply Corporation | Classification: | Rating: |
| Regulated Entity: | RN101225613 NORTH SAN SABA WSC | Classification: | Site Rating: |
| ID Number(s): | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 2060003 |
| | WATER LICENSING | LICENSE | 2060003 |
| Location: | FM 500, NORTH OF SAN SABA, SAN SABA COUNTY, TEXAS | | |
| TCEQ Region: | REGION 09 - WACO | | |
| Date Compliance History Prepared: | March 07, 2012 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | March 07, 2007 to March 07, 2012 | | |

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

Name: Epi Villarreal Phone: 361-825-3425

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. If **YES**, 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: 08/23/2009

ADMINORDER 2009-0413-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)

Description: Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system.

Classification: Minor

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

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failed to provide water system records to Commission personnel at the time of the investigation.

Classification: Minor

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

Description: Failed to adopt an adequate plumbing ordinance, regulations, or 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 290.41(c)(3)(O)

30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failed to enclose all well units and storage tanks with an intruder-resistant fence.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition.

Classification: Major

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

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide an elevated storage capacity of 100 gallons per connection.

Classification: Moderate

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

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection.

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 | 12/10/2007 | (596941) |
| 2 | 03/13/2008 | (637591) |
| 3 | 05/07/2008 | (638492) |
| 4 | 11/17/2008 | (706065) |
| 5 | 03/04/2009 | (721946) |
| 6 | 05/14/2009 | (746547) |
| 7 | 05/27/2009 | (747149) |
| 8 | 02/28/2012 | (970961) |

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

| | | | |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------|
| Date: | 03/14/2008 | (637591) | CN600666325 |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.118(a) 30 TAC Chapter 290, SubChapter F 290.118(b) | | |
| Description: | Failure to meet the secondary constituent maximum contamination level for chloride. | | |
| Date: | 05/14/2009 | (746547) | CN600666325 |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.108(b)(1)(A) 30 TAC Chapter 290, SubChapter F 290.108(b)(1)(B) 30 TAC Chapter 290, SubChapter F 290.108(f)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c) | | |
| Description: | Violated the maximum contaminant level for gross alpha particle activity and combined radium 226 and 228 during the fourth 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

2. During an investigation conducted on December 14, 2011, TCEQ staff documented that the fence on the north side of Facility was measured to be 5 feet 4 inches in height. In addition, the barbed wire on the top of the fence was not secured.
3. During an investigation conducted on December 14, 2011, TCEQ staff documented that the opening on the top of the well casing on Well No. 1 was not properly sealed.
4. During an investigation conducted on December 14, 2011, TCEQ staff documented that the vent on the air release device on the east side of Highway 16, north of San Saba was not properly screened.
5. During an investigation conducted on December 14, 2011, TCEQ staff documented that the lower ventilation opening on the chlorine storage building at the Farm-to-Market Road 500 Facility was not properly screened.
6. During an investigation conducted on December 14, 2011, TCEQ staff documented that there was no small bottle of fresh ammonia solution available at the Farm-to-Market Road 500 Facility.
7. During an investigation conducted on December 14, 2011, TCEQ staff documented that the following records were not accessible for review: routine bacteriological sample result for June 2011, external tank inspection forms for all tanks and internal inspection for the pressure tank, calibration certificates for both well meters, and verification of American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for all chemical additives.
8. During an investigation conducted on December 14, 2011, TCEQ staff documented that the Respondent did not provide documentation showing that the Facility is maintaining internal procedures to notify the Executive Director ("ED") by a toll-free reporting phone number immediately following certain events that may negatively impact the production or delivery of safe and adequate drinking water.
9. During an investigation conducted on December 14, 2011, TCEQ staff documented the Respondent failed to provide an emergency power source, such as a back-up generator, which is required for a Facility that does not meet the elevated storage requirement and serves 250 or more service connections.
10. During an investigation conducted on December 14, 2011, TCEQ staff documented that with 295 service connections, the Facility must provide a minimum elevated storage tank capacity of 29,500 gallons. However, it was noted that the Facility currently provides 7,615 gallons of elevated storage tank capacity, which is a 74% deficiency.
11. During an investigation conducted on December 14, 2011, TCEQ staff documented that the Facility has 295 service connections and must provide a minimum service pump capacity of 590 gallons per minute ("gpm"). The Facility is currently providing 260 gpm, which is a 56% deficiency.

12. The Respondent received notice of the violations on March 4, 2012.
13. The Executive Director recognizes that by March 28, 2012, the Respondent implemented the following measures at the Facility:
 - a. Rendered the fence on the north side of Farm-to-Market 500 intruder-resistant and repaired the barbed wire;
 - b. Sealed the opening on the top of the well casing on Well No. 1;
 - c. Screened the vent on the air release device on the east side of Highway 16, north of San Saba with a 16-mesh or finer screening;
 - d. Screened the lower ventilation opening on the chlorine storage building at the Farm-to-Market Road 500 Facility;
 - e. Provided a small bottle of fresh ammonia solution that is readily accessible outside the chlorinator room at the Farm-to-Market Road 500 Facility;
 - f. Began maintaining internal procedures to notify the ED by a toll-free reporting phone number immediately of certain events if the event negatively impacts the production or delivery of safe and adequate drinking water; and
 - g. Compiled and began maintaining microbiological analysis records, results of tank inspections for all water storage and pressure maintenance facilities, and verification of ANSI/NSF Standard 60 for all chemical additives.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to enclose all well units and storage tanks with an intruder-resistant fence, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to seal the wellhead with a gasket or sealing compound, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to properly install an air release device in such a manner to preclude the possibility of submergence or the entrance of contaminants, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(1).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(c).

6. As evidenced by Findings of Fact No. 6, the Respondent failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to provide Facility records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(iv), (f)(3)(D)(i), and (f)(3)(D)(ii).
8. As evidenced by Findings of Fact No. 8, the Respondent failed to provide documentation showing that the Facility is maintaining internal procedures to notify the ED by a toll-free reporting phone number immediately following certain events that may negatively impact the production or delivery of safe and adequate drinking water, in violation of 30 TEX. ADMIN. CODE § 290.46(w).
9. As evidenced by Findings of Fact No. 9, the Respondent 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, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
10. As evidenced by Findings of Fact No. 10, the Respondent failed to provide an elevated storage tank capacity of 100 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2009-0413-PWS-E, Ordering Provision 2.a.i.
11. As evidenced by Findings of Fact No. 11, the Respondent failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2009-0413-PWS-E, Ordering Provision 2.a.ii.
12. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
13. An administrative penalty in the amount of Twenty-One Thousand Seventy-Nine Dollars (\$21,079) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid Six Hundred Four Dollars (\$604) of the administrative penalty. The remaining amount of Twenty Thousand Four Hundred Seventy-Five Dollars (\$20,475) of the administrative penalty shall be payable in 35 monthly payments of Five Hundred Eighty-Five (\$585) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option,

accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Twenty One Thousand Seventy-Nine Dollars (\$ 21,079) as set forth in Section II, Paragraph 13 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: North San Saba Water Supply Corporation, Docket No. 2012-0557-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, provide calibration certificates for both well meters, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - b. Within 45 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.;
 - c. Within 180 days after the effective date of this Agreed Order, provide emergency power that will deliver water at a minimum of 0.35 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - d. Within 195 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.;

- e. Within 730 days after the effective of this Agreed Order:
 - i. Provide an elevated storage tank capacity of 100 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- f. Within 745 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 2.e. 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ram Jansen Jr.
For the Executive Director

9/4/12
Date

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

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

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

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

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

Kathy Gage
Signature

6-27-2012
Date

KATHY GAGE
Name (Printed or typed)
Authorized Representative of
North San Saba 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 III, Paragraph 1 of this Agreed Order.