

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 38222
Tom Green County Fresh Water Supply District 2
RN101426047
Docket No. 2012-0957-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:

N/A

Location(s) Where Violation(s) Occurred:

508 Anson Street, Christoval, Tom Green County

Type of Operation:

public water system

Other Significant Matters:

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

Texas Register Publication Date: October 12, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$4,990

Total Paid to General Revenue: \$4,990

Total Due to General Revenue: \$0

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: \$12 upward adjustment (PCW 2)

Applicable Penalty Policy: September 2002 (PCW 1); September 2011 (PCW 2)

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: March 26, 2012

Date(s) of NOV(s): October 14, 2011

Date(s) of NOE(s): April 24, 2012

Violation Information

1. Failed to provide jar tests for determining the optimum coagulant dose [30 TEX. ADMIN. CODE § 290.42(d)(15)(C)(vi) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E Ordering Provision No. 2.b.i.].
2. Failed to calibrate flow measuring devices at least once every 12 months [30 TEX. ADMIN. CODE § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E Ordering Provision No. 2.b.ii.].
3. Failed to calibrate the benchtop turbidimeter with primary standards at least every 90 days [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E Ordering Provision No. 2.b.iii.].
4. Failed to maintain on file and make available for Commission review accurately completed copies of Surface Water Monthly Operating Reports (“SWMORs”) [30 TEX. ADMIN. CODE §§ 290.46(f)(3)(E)(i) and 290.111(h)(2) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E Ordering Provision No. 2.a.i.].
5. Failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E Ordering Provision No. 2.a.iii.].
6. Failed to ensure that each Facility has at least one Class “C” or higher surface water operator on duty when it is in operation or that the Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission’s drinking water standards during periods when the Facility is not staffed [TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(5)(F)].
7. Failed to properly calibrate the pH meters and failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(A), and 290.46(s)(2)(C)(i)].
8. Failed to calibrate the on-line turbidimeter with primary standards at least once every 90 days [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii)].
9. Failed to measure the performance of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) at least once each day during a time when peak hourly raw water flow rates are occurring to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan [violation of 30 TEX. ADMIN. CODE § 290.111(d)(2)(A)].
10. Failed to ensure that a Facility that utilizes continuous turbidity monitoring has a properly functioning electronic device for recording turbidity level readings at least once every 15 minutes so that the operator can accurately determine the turbidity levels [30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(i)].
11. Failed to conduct grab sampling every four hours in the event the Facility's continuous turbidity monitoring equipment malfunctions, but not for more than 14 working days following the failure of the equipment [30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii)].
12. Failed to develop, maintain on hand at each water treatment plant, and make available to the Executive Director upon request an accurate and up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 10 days:
 - a. Begin maintaining on file and make available for Commission review accurately completed copies of SWMORs;
 - b. Begin maintaining a record keeping system for the online turbidimeters calibration records;
 - c. Begin checking the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit;
 - d. Ensure that the measure of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) is conducted not only when the Facility is treating water but also during peak flow; and
 - e. Repair or replace the continuous turbidity monitoring equipment for Filter 1 and institute a protocol to ensure that in the event of a malfunction of the continuous turbidity monitoring equipment that grab sampling is conducted every four hours, but not for more than 14 working days following the failure of the equipment.
2. Within 30 days:
 - a. Provide jar tests for determining the optimum coagulant dose;
 - b. Begin calibrating the flow measuring devices at least every 12 months;
 - c. Begin calibrating the benchtop turbidimeter every 90 days;
 - d. Ensure that at least one Class "C" or higher surface water operator is on duty at all times when the Facility is operating; or that the Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Facility is not staffed;
 - e. Ensure that compliance testing equipment is properly calibrated, including but not limited to using pH buffers and secondary standards that are not out of date; operating the pH meter within the manufacturer's recommended range; using chlorine solutions of known concentrations to verify the accuracy of the manual disinfectant residual analyzers at least once every 30 days; and using a primary standard to verify the accuracy of the online turbidimeters at least once every 90 days;
 - f. Ensure the electronic device for recording the turbidity level displays correct time and date information; and
 - g. Develop, maintain on hand at each water treatment plant, and make available to the Executive Director upon request an accurate and up-to-date chemical and microbiological monitoring plan.
3. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1 and 2.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 38222
Tom Green County Fresh Water Supply District 2
RN101426047
Docket No. 2012-0957-PWS-E

Litigation Information

Date Petition(s) Filed: August 6, 2012; August 21, 2012

Date Answer(s) Filed: N/A

Settlement Date: September 7, 2012

Contact Information

TCEQ Attorneys: Peipey Tang, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
James Murphy, Public Interest Counsel, (512) 239-6363

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Andrea Linson, Enforcement Division, (512) 239-1482

TCEQ Regional Contact: Christopher Mayben, P.G., San Angelo Regional Office,

Respondent: Jean Ann Danbert, President, Tom Green County Fresh Water Supply District 2, P.O. Box 131, Christoval, Texas 76935-0131

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-May-2012	Screening	8-May-2012	EPA Due	
	PCW	8-May-2012				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	38222	No. of Violations	5
Docket No.	2012-0957-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Andrea Linson
		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** **\$1,350**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	52.0% Enhancement	Subtotals 2, 3, & 7	\$702
Notes	Enhancement for one NOV with the same/similar violations, one NOV with dissimilar violations, one final agreed order containing a denial of liability and one final agreed order without a denial of liability.		
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	\$1,171	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$5,523		

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$2,052**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
	Final Penalty Amount \$2,052

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$2,052**

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.
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PAYABLE PENALTY **\$2,052**

Screening Date	8-May-2012	Docket No.	2012-0957-PWS-E	PCW
Respondent	Tom Green County Fresh Water Supply District 2			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	38222			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101426047			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

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	1	2%
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	1	25%
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) 52%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes	Enhancement for one NOV with the same/similar violations, one NOV with dissimilar violations, one final agreed order containing a denial of liability and one final agreed order without a denial of liability.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 52%

Screening Date	8-May-2012	Docket No.	2012-0957-PWS-E	PCW
Respondent	Tom Green County Fresh Water Supply District 2		Policy Revision 2 (September 2002)	
Case ID No.	38222	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN101426047			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(15)(C)(vi) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E, Ordering Provision No. 2.b.i

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

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="10%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Four quarterly events are recommended, calculated from the effective date of Agreed Order 2010-1414-PWS-E, June 20, 2011, to the screening date, May 8, 2012.

Good Faith Efforts to Comply

0.0% Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$4,842	20-Jun-2011	31-Dec-2012	1.53	\$25	\$495	\$520
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the amount to purchase jar testing equipment, calculated from the effective date of Agreed Order 2010-1414-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 \$4,842 **TOTAL** \$520

Screening Date 8-May-2012 **Docket No.** 2012-0957-PWS-E **PCW**
Respondent Tom Green County Fresh Water Supply District 2 *Policy Revision 2 (September 2002)*
Case ID No. 38222 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101426047
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E, Ordering Provision No. 2.b.ii

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

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential			x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 323 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$76

This violation Final Assessed Penalty (adjusted for limits) \$76

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$31	20-Jun-2011	8-May-2012	1.80	\$3	\$31	\$34
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the flow meter on the clean water backwashing filters, calculated from the effective date of Agreed Order 2010-1414-PWS-E to the screening date.

Approx. Cost of Compliance \$31

TOTAL \$34

Screening Date	8-May-2012	Docket No.	2012-0957-PWS-E	PCW
Respondent	Tom Green County Fresh Water Supply District 2			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	38222			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101426047			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	20-Jun-2011	8-May-2012	1.80	\$9	\$100	\$109
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to calibrate the benchtop turbidimeter, calculated from the effective date of Agreed Order 2010-1414-PWS-E to the screening date.

Approx. Cost of Compliance \$100

TOTAL \$109

Screening Date	8-May-2012	Docket No.	2012-0957-PWS-E	PCW
Respondent	Tom Green County Fresh Water Supply District 2			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	38222			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101426047			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.46(f)(3)(E)(i), 290.111(h)(2) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E, Ordering Provision No. 2.a.i			
Violation Description	Failed to maintain on file and make available for Commission review accurately completed copies of Surface Water Monthly Operating Reports ("SWMORs"). Specifically, the Facility did not record the correct turbidity level on its SWMORs.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual	Potential		Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events: 1 323 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply **0.0%** Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$3 **Violation Final Penalty Total** \$152

This violation Final Assessed Penalty (adjusted for limits) \$152

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	20-Jun-2011	31-Dec-2012	1.53	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to begin maintaining a record keeping system for the online turbidimeter calibration records, calculated from the effective date of TCEQ Agreed Order Docket No. 2010-1414-PWS-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$3

Screening Date	8-May-2012	Docket No.	2012-0957-PWS-E	PCW
Respondent	Tom Green County Fresh Water Supply District 2	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	38222	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN101426047			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(2)(B)(iv) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E, Ordering Provision No. 2.a.iii			
Violation Description	Failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
					Percent 0%
Failure to check the calibration of the online turbidimeter once each week could affect maintenance of the disinfectant level in the water supplied to the customers of the Facility, exposing the customers to a significant amount of contaminants, which would not exceed levels protective of human health.					
Adjustment					\$900

\$100

Violation Events

Number of Violation Events	4	323	Number of violation days	
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
				Violation Base Penalty \$400
Four quarterly events are recommended, calculated from the effective date of Agreed Order 2010-1414-PWS-E, June 20, 2011, to the screening date, May 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				\$400

Economic Benefit (EB) for this violation

Estimated EB Amount	\$501	Statutory Limit Test	
		Violation Final Penalty Total	\$608
		This violation Final Assessed Penalty (adjusted for limits)	\$608

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$460	20-Jun-2011	8-May-2012	1.80	\$41	\$460	\$501
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to check the calibration of the online turbidimeters at least once each week (\$10/wk), calculated from the effective date of TCEQ Agreed Order Docket No. 2010-1414-PWS-E to the screening date.

Approx. Cost of Compliance \$460

TOTAL \$501



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	8-May-2012	Screening	8-May-2012	EPA Due	
	PCW	8-May-2012				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	38222	No. of Violations	7
Docket No.	2012-0957-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Andrea Linson
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Enhancement for one NOV with the same/similar violations, one NOV with dissimilar violations, one final agreed order containing a denial of liability and one final agreed order without a denial of liability.

Culpability Enhancement **Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance

*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 8-May-2012 **Docket No.** 2012-0957-PWS-E
Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Reg. Ent. Reference No. RN101426047
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

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	1	2%
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	1	25%
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) 52%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations, one NOV with dissimilar violations, one final agreed order containing a denial of liability and one final agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 52%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 52%

Screening Date 8-May-2012 **Docket No.** 2012-0957-PWS-E **PCW**
Respondent Tom Green County Fresh Water Supply District 2 *Policy Revision 3 (September 2011)*
Case ID No. 38222 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN101426047
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$4,117"/>	Violation Final Penalty Total <input type="text" value="\$456"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$456"/>	

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$33,280	26-Mar-2012	8-May-2012	0.12	\$196	\$3,921	\$4,117
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

The avoided cost includes the estimated amount to ensure that at least one Class "C" or higher surface water operator is on duty at all times when the Facility is operating, calculated from the investigation date to the screening date.

Approx. Cost of Compliance \$33,280

TOTAL \$4,117

Screening Date 8-May-2012 **Docket No.** 2012-0957-PWS-E **PCW**
Respondent Tom Green County Fresh Water Supply District 2 *Policy Revision 3 (September 2011)*
Case ID No. 38222 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN101426047
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Violation Number

Rule Cite(s)

Violation Description

Failed to properly calibrate equipment used for compliance testing (pH meters) and failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations. Specifically, the pH buffers and secondary standards were out of date, the slope of the pH meter was outside of the acceptable range for the instrument (52.8 millivolts ("mV") as opposed to the manufacturers recommended 58 +/- 3 mV).

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Failure to calibrate equipment used for compliance testing could expose customers of the Facility to contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Six monthly events are recommended, based on two monthly events for each deficiency.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 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	\$50	26-Mar-2012	31-Dec-2012	0.77	\$0	\$3	\$3
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 replace buffers and secondary standards, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	25-Feb-2012	26-Mar-2012	0.08	\$0	\$8	\$9
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)	\$50	25-Feb-2012	26-Mar-2012	1.00	\$3	\$50	\$53

Notes for AVOIDED costs

The avoided costs include the estimated amount to properly calibrate the pH meter and verify the accuracy of the manual disinfectant residual analyzers using chlorine solutions of known concentrations, calculated for 30 days prior to the date of the investigation.

Approx. Cost of Compliance \$200

TOTAL \$64

Screening Date 8-May-2012 **Docket No.** 2012-0957-PWS-E **PCW**
Respondent Tom Green County Fresh Water Supply District 2 *Policy Revision 3 (September 2011)*
Case ID No. 38222 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN101426047
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	27-Dec-2011	26-Mar-2012	1.16	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to properly calibrate online turbidimeters using a primary standard, calculated for 90 days prior to the investigation date.

Approx. Cost of Compliance \$50

TOTAL \$53

Screening Date 8-May-2012 **Docket No.** 2012-0957-PWS-E **PCW**
Respondent Tom Green County Fresh Water Supply District 2 *Policy Revision 3 (September 2011)*
Case ID No. 38222 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN101426047
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.111(d)(2)(A)

Violation Description

Failed to measure the performance of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) at least once each day during a time when peak hourly raw water flow rates are occurring to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan. Specifically, the Facility was measuring the performance of disinfectant facilities when water was not being treated.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to monitor the performance of the disinfectant facilities on a daily basis and during peak flows could result in customers of the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2 43 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$300

Two monthly events are recommended, calculated from the investigation date, March 26, 2012, to the screening date, May 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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$210

Violation Final Penalty Total \$456

This violation Final Assessed Penalty (adjusted for limits) \$456

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 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				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$200	26-Mar-2012	8-May-2012	1.04	\$10	\$200	\$210

Notes for AVOIDED costs

The avoided cost includes the estimated amount to utilize procedures to ensure that the following are measured and recorded daily: disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone, calculated from the investigation date to the screening date.

Approx. Cost of Compliance \$200

TOTAL \$210

Screening Date 8-May-2012 **Docket No.** 2012-0957-PWS-E **PCW**
Respondent Tom Green County Fresh Water Supply District 2 *Policy Revision 3 (September 2011)*
Case ID No. 38222 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN101426047
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25	26-Mar-2012	31-Dec-2012	0.77	\$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 ensure the electronic device for recording the turbidity level displays correct time and date information, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$25

TOTAL \$1

Screening Date	8-May-2012	Docket No.	2012-0957-PWS-E	PCW
Respondent	Tom Green County Fresh Water Supply District 2			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	38222			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN101426047			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$6,450	26-Mar-2012	8-May-2012	1.04	\$334	\$6,450	\$6,784
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for collecting and submitting grab samples every four hours (six samples per day at \$25 per sample), calculated from the investigation date to the screening date.

Approx. Cost of Compliance \$6,450

TOTAL \$6,784

Screening Date	8-May-2012	Docket No.	2012-0957-PWS-E	PCW
Respondent	Tom Green County Fresh Water Supply District 2			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	38222			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN101426047			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Andrea Linson			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate		Minor
	Release	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
		Percent		<input type="text" value="0.0%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	x	<input type="text"/>	
	Percent				<input type="text" value="2.5%"/>

Matrix Notes

Adjustment

Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Req. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 7

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description 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	\$25	26-Mar-2012	31-Dec-2012	0.77	\$1	n/a	\$1
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 includes the estimated amount to compile and begin maintaining a complete, accurate and up-to-date chemical and microbiological monitoring plan, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Compliance History Report

Customer/Respondent/Owner-Operator: CN600740302 Tom Green County FWSD 2 Classification: Rating:
Regulated Entity: RN101426047 TOM GREEN COUNTY FWSD 2 CHRISTOVAL Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2260004
WATER LICENSING LICENSE 2260004
Location: 508 ANSON STREET, CHRISTOVAL, TOM GREEN COUNTY, TEXAS
TCEQ Region: REGION 08 - SAN ANGELO
Date Compliance History Prepared: May 07, 2012
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 30, 2007 to April 30, 2012
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Andrea Linson Phone: (512) 239-1482

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If **YES**, who is the current owner/operator? Since? 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
6. Rating Date: N/A Repeat Violator: N/A

Components (Multimedia) for the Site:

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

Effective Date: 04/11/2010

ADMINORDER 2009-1374-PWS-E

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Major

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

Description: Failed to complete the minimum level of required treatment to the water source prior to the water entering the distribution system, as documented during an investigation conducted on June 5, 2009.

Classification: Moderate

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

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

Effective Date: 06/20/2011

ADMINORDER 2010-1414-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vi)

Description: Failure to provide jar tests for determining the optimum coagulant dose.

Classification: Moderate

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

Description: Failure to calibrate the flow measuring devices at least once every 12 months.

Classification: Moderate

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

Description: Failure to calibrate the benchtop turbidimeter every 90 days.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)
Description: Failure to maintain on file and make available for Commission review accurately completed copies of Surface Water Monthly Operating Report (SWMORs).

Classification: Major

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

Rqmt Prov: OP 2.a.i ORDER

Description: Failure to maintain records of the monthly calibration conducted on the on-line turbidimeters.

Classification: Major

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

Rqmt Prov: OP 2.a.ii ORDER

Description: Failure to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit. Failure to comply with Commission Agreed Order Docket No. 2009-1374-PWS-E.

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 07/15/2007 (645314) 4 08/09/2010 (829859)

2 10/01/2007 (645946) 5 10/17/2011 (959198)

3 07/27/2009 (760965) 6 04/24/2012 (990018)

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

Date: 07/15/2007 (645314) CN600740302

Self Report? NO Classification: Moderate

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

Description: BACT - MONITORING/REPORTING VIOLATIONS

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

Description: PUBLIC NOTICE

Date: 10/14/2011 (959198) CN600740302

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vi)

Description: Failure to provide jar tests for determining the optimum coagulant dose.

Self Report? NO Classification: Moderate

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

Description: Failure to calibrate the flow measuring devices at least once every 12 months.

Self Report? NO Classification: Moderate

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

Description: Failure to calibrate the benchtop turbidimeter every 90 days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)

Description: Failure to maintain on file and make available for Commission review accurately completed copies of Surface Water Monthly Operating Report (SWMORs).

Self Report? NO Classification: Major

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

OP 2.a.i ORDER

Description: Failure to maintain records of the monthly calibration conducted on the on-line turbidimeters.

Self Report? NO Classification: Major

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

OP 2.a.ii ORDER

Description: Failure to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit. Failure to comply with Commission Agreed Order Docket No. 2009-1374-PWS-E.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TOM GREEN COUNTY FRESH
WATER SUPPLY DISTRICT 2;
RN101426047**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2012-0957-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Tom Green County Fresh Water Supply District 2 ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

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

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

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 508 Anson Street in Christoval, Tom Green County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 230 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During an investigation conducted on March 26, 2012, a TCEQ San Angelo Regional Office investigator documented that Respondent:
 - a. Failed to provide jar tests for determining the optimum coagulant dose;
 - b. Failed to calibrate flow measuring devices at least once every 12 months. Specifically, the flow meter on the clean water backwashing filters had not been calibrated within the last 12 months;

- c. Failed to calibrate the benchtop turbidimeter with primary standards at least every 90 days;
 - d. Failed to maintain on file and make available for Commission review accurately completed copies of Surface Water Monthly Operating Reports ("SWMORs"). Specifically, Respondent did not record the correct turbidity level on its SWMORs;
 - e. Failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit;
 - f. Failed to ensure that the Facility has at least one Class "C" or higher surface water operator on duty when it is in operation or that the Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Facility is not staffed;
 - g. Failed to properly calibrate the pH meters, and failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations. Specifically, the pH buffers and secondary standards were out of date, the slope of the pH meter was outside of the acceptable range for the instrument (52.8 millivolts ("mV") as opposed to the manufacturers recommended 58 +/- 3 mV);
 - h. Failed to calibrate the on-line turbidimeter with primary standards at least once every 90 days;
 - i. Failed to measure the performance of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) at least once each day during a time when peak hourly raw water flow rates are occurring to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan. Specifically, Respondent was measuring the performance of disinfectant facilities when water was not being treated;
 - j. Failed to ensure that a Facility that utilizes continuous turbidity monitoring has a properly functioning electronic device for recording turbidity level readings at least once every 15 minutes so that the operator can accurately determine the turbidity levels. Specifically, the electronic device for recording turbidity level readings did not display the correct date and time;
 - k. Failed to conduct grab sampling every four hours in the event that the Facility's continuous turbidity monitoring equipment malfunctions. Specifically, the turbidimeter for Filter 1 was not functioning and no grab samples were being collected; and
 - l. Failed to develop, maintain on hand at each water treatment plant, and make available to the Executive Director upon request an accurate and up-to-date chemical and microbiological monitoring plan. Specifically, the Facility's monitoring plan had been recently updated but the version available for review at the Facility was not the current version.
3. Respondent received notice of the violations on or about April 29, 2012.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, 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 Finding of Fact No. 2.a., Respondent failed to provide jar tests for determining the optimum coagulant dose, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(15)(C)(vi) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E, Ordering Provision No. 2.b.i.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to calibrate flow measuring devices at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E, Ordering Provision No. 2.b.ii.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to calibrate the benchtop turbidimeter with primary standards at least every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E, Ordering Provision No. 2.b.iii.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to maintain on file and make available for Commission review accurately completed copies of SWMORs, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(3)(E)(i) and 290.111(h)(2) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E, Ordering Provision No. 2.a.i.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv) and TCEQ Agreed Order Docket No. 2010-1414-PWS-E, Ordering Provision No. 2.a.iii.
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to ensure that the Facility has at least one Class "C" or higher surface water operator on duty when it is in operation or that the Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Facility is not staffed, in violation of TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(5)(F).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to properly calibrate the pH meters and failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(A) and (s)(2)(C)(i).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to calibrate the on-line turbidimeter with primary standards at least once every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to measure the performance of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) at least once each day during a time when peak hourly raw water flow rates are occurring to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.111(d)(2)(A).

11. As evidenced by Finding of Fact No. 2.j., Respondent failed to ensure that a Facility that utilizes continuous turbidity monitoring has a properly functioning electronic device for recording turbidity level readings at least once every 15 minutes so that the operator can accurately determine the turbidity levels, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(i).
12. As evidenced by Finding of Fact No. 2.k., Respondent failed to conduct grab sampling every four hours in the event the Facility's continuous turbidity monitoring equipment malfunctions, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii).
13. As evidenced by Finding of Fact No. 2.l., Respondent failed to develop, maintain on hand at each water treatment plant, and make available to the Executive Director upon request an accurate and up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a).
14. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
15. An administrative penalty in the amount of four thousand nine hundred ninety dollars (\$4,990.00) 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. Respondent paid four thousand nine hundred ninety dollars (\$4,990.00) of the administrative penalty.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 15, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, Respondent shall:
 - i. Begin maintaining on file and make available for Commission review accurately completed copies of SWMORs, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 5);
 - ii. Begin maintaining a record keeping system for the online turbidimeters calibration records, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 6);
 - iii. Begin checking the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 6);

- iv. Ensure that the measure of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) is conducted not only when the Facility is treating water but also during peak flow, in accordance with 30 TEX. ADMIN. CODE § 290.111 (Conclusion of Law No. 10); and
 - v. Repair or replace the continuous turbidity monitoring equipment for Filter 1 and institute a protocol to ensure that in the event of a malfunction of the continuous turbidity monitoring equipment that grab sampling is conducted every four hours, but not for more than 14 working days following the failure of the equipment, in accordance with 30 TEX. ADMIN. CODE § 290.111 (Conclusion of Law No. 12).
- b. Within 30 days after the effective date of this Agreed Order, Respondent shall:
- i. Provide jar tests for determining the optimum coagulant dose, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 2);
 - ii. Begin calibrating the flow measuring devices at least every 12 months, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 3);
 - iii. Begin calibrating the benchtop turbidimeter every 90 days, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 4);
 - iv. Ensure that at least one Class "C" or higher surface water operator is on duty at all times when the Facility is operating; or that the Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Facility is not staffed, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 7);
 - v. Ensure that compliance testing equipment is properly calibrated, including but not limited to using pH buffers and secondary standards that are not out of date; operating the pH meter within the manufacturer's recommended range; using chlorine solutions of known concentrations to verify the accuracy of the manual disinfectant residual analyzers at least once every 30 days; and using a primary standard to verify the accuracy of the online turbidimeters at least once every 90 days, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusions of Law Nos. 4, 6, 8, and 9);
 - vi. Ensure the electronic device for recording the turbidity level displays correct time and date information, in accordance with 30 TEX. ADMIN. CODE § 290.111 (Conclusion of Law No. 11); and
 - vii. Develop, maintain on hand at each water treatment plant, and make available to the Executive Director upon request an accurate and up-to-date chemical and microbiological monitoring plan, 30 TEX. ADMIN. CODE § 290.111 (Conclusion of Law No. 13)
- c. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a and 2.b. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be

notarized by a State of Texas Notary Public, and shall 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 fine and imprisonment for knowing violations."

Respondent shall submit the written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Christopher Mayben, P.G., Water Section Manager
Texas Commission on Environmental Quality
San Angelo Regional Office
622 South Oakes Street, Suite K
San Angelo, Texas 76903-7035

3. All relief not expressly granted in this Agreed Order is denied.
4. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director.
6. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.

10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Tom Green County Fresh Water Supply District 2
Docket No. 2012-0957-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

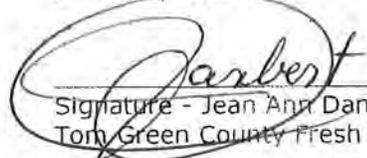
October 26, 2012
Date

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

I also understand that failure to comply with the Ordering Provisions in this Agreed Order and/or failure to timely pay the penalty amount may result in:

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

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



Signature - Jean Ann Danbert, President
Tom Green County Fresh Water Supply District 2

9/7/12
Date