

Executive Summary – Enforcement Matter – Case No. 41764
Central Bowie County Water Supply Corporation
RN101389153
Docket No. 2011-0873-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Central Bowie County WSC, located at the north side of State Highway 82, 1/2 mile west of Interstate Highway 30 near New Boston, Bowie 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: September 23, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,634

Amount Deferred for Expedited Settlement: \$726

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$2,908

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: \$39

Applicable Penalty Policy: September 2002

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Docket No. 2011-0873-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 17, 2011

Date(s) of NOE(s): May 13, 2011

Violation Information

1. Failed to enclose all potable water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates [30 TEX. ADMIN. CODE § 290.43(e)].
2. Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank [30 TEX. ADMIN. CODE § 290.46(n)(1)].
3. Failed to ensure that the Facility's electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].
4. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
5. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
6. Failed to provide Facility records to Commission personnel at time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(1) and (f)(3)(A)(iv)].
7. Failed to collect routine distribution coliform samples at regular time intervals throughout the month, which is required by a public water system which uses surface water or groundwater under the direct influence of surface water [30 TEX. ADMIN. CODE § 290.109(c)(2)(B)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

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

- a. On May 25, 2011, plans and specifications for a 100,000 gallon elevated storage tank were approved for construction at the Plant No. 2; and
- b. On May 26, 2011, plans and specifications for six service pumps were approved for construction at Plants Nos. 1 and 2 and the Simms Plant.

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Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

- i. Begin maintaining a record of the dates that dead-end mains are being flushed;
- ii. Ensure that the electrical wiring for the service pumps at Plant No. 1 is installed in compliance with a national or local code;
- iii. Begin collecting the required number of distribution coliform samples at regular time intervals throughout the month; and
- iv. Submit a copy of the plans and specifications for the Malta elevated storage tank and the Simms Plant.

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 90 days, ensure that the fence surrounding Plant No. 1 and the Malta elevated storage tank measures six feet in height prior to adding the strands of barbed wire.

d. Within 105 days, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.

e. Within 450 days:

- i. Provide an elevated storage capacity of 100 gallons per connection at Plant No. 2 and the Simms Plant; and
- ii. Provide two or more service pumps having a capacity of 2.0 gpm per connection at the Simms Plant.

f. Within 465 days, submit written certification demonstrating 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

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Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Michaelle Sherlock, Enforcement Division,
Enforcement Team 2, MC R-13, (210) 403-4076; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Calvin Pierce, President, Central Bowie County Water Supply
Corporation, 2282 Highway 82 West, New Boston, Texas 75570

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-May-2011	PCW	3-Jun-2011	Screening	27-May-2011	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	Central Bowie County Water Supply Corporation		
Reg. Ent. Ref. No.	RN101389153		
Facility/Site Region	5-Tyler	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	41764	No. of Violations	8
Docket No.	2011-0873-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Michaelle Sherlock
		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 same/similar violations and one NOV with dissimilar violations.

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	\$104,378
Approx. Cost of Compliance	\$704,400

*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 indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 27-May-2011

Docket No. 2011-0873-PWS-E

PCW

Respondent Central Bowie County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 41764

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101389153

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

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>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 7%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

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

Screening Date 27-May-2011

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PCW

Respondent Central Bowie County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 41764

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101389153

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.43(e)

Violation Description Failed to enclose all potable water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates. Specifically, at the time of the investigation, it was documented that the fence surrounding Plant No.1 and the fence surrounding the Malta elevated storage tank measured only five feet in height.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential		x		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failing to enclose all potable water storage tanks with an intruder-resistant fence may allow persons to enter and vandalize the Facility which could expose customers to a significant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 71 Number of violation days

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

Violation Base Penalty \$500

Two quarterly events are recommended (one event for each location), calculated from the investigation date, March 17, 2011, to the screening date, May 27, 2011.

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$275

Violation Final Penalty Total \$535

This violation Final Assessed Penalty (adjusted for limits) \$535

Economic Benefit Worksheet

Respondent Central Bowie County Water Supply Corporation
Case ID No. 41764
Reg. Ent. Reference No. RN101389153
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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$3,500	17-Mar-2011	30-Apr-2012	1.12	\$13	\$262	\$275
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 modify the fencing at Plant No. 1 and the fence at the Malta elevated storage tank to ensure it is intruder-resistant, 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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$3,500

TOTAL \$275

Screening Date 27-May-2011

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PCW

Respondent Central Bowie County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 41764

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101389153

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(1)

Violation Description

Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank. Specifically, at the time of the investigation, it was documented that the Respondent did not have engineering plans and specifications for the Malta elevated storage tank and the Simms Plant.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

71 Number of violation days

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

Violation Base Penalty \$500

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$535

This violation Final Assessed Penalty (adjusted for limits) \$535

Economic Benefit Worksheet

Respondent Central Bowie County Water Supply Corporation
Case ID No. 41764
Reg. Ent. Reference No. RN101389153
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$500	17-Mar-2011	30-Apr-2012	1.12	\$2	\$37	\$39
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 approximate amount to provide a copy of the plans and specifications for the Malta elevated storage tank and the Simms Plant and maintain a copy in the Facility's files, 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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$39

Screening Date 27-May-2011

Docket No. 2011-0873-PWS-E

PCW

Respondent Central Bowie County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 41764

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101389153

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 3

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

Violation Description Failed to ensure that the Facility's electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the time of the investigation, it was documented that the wiring for the service pumps at Plant 1 was not in electrical conduit or junction boxes.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					50%
Potential	x				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Matrix Notes Failing to properly install electrical wires may cause equipment to malfunction and cause dangerous working conditions for Facility personnel which could result in a significant amount of contaminants entering the water supply, which would exceed levels that are protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 3 Number of violation days 71

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

Violation Base Penalty \$1,500

Three monthly events are recommended, calculated from the investigation date, March 17, 2011, to the screening date of May 27, 2011.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Reduction	
	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 \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13 Violation Final Penalty Total \$1,605

This violation Final Assessed Penalty (adjusted for limits) \$1,605

Economic Benefit Worksheet

Respondent Central Bowie County Water Supply Corporation
Case ID No. 41764
Reg. Ent. Reference No. RN101389153
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
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No commas or \$

Delayed Costs

Equipment	\$200	17-Mar-2011	28-Feb-2012	0.95	\$1	\$13	\$13
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 electrical wiring in compliance with a local or national code, 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

\$200

TOTAL

\$13

Screening Date 27-May-2011

Docket No. 2011-0873-PWS-E

PCW

Respondent Central Bowie County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 41764

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101389153

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, at the time of the investigation, it was documented that the Facility is required to provide 560,400 gallons of elevated storage capacity at Plant No. 2. The elevated storage available at Plant No. 2 was 370,000 gallons, which is 34% deficient.

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

Failure to provide adequate elevated storage capacity may result in low pressure throughout the distribution system potentially exposing customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

71 Number of violation days

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

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the investigation date, March 17, 2011, to the screening date, May 27, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$66,884

Violation Final Penalty Total \$268

This violation Final Assessed Penalty (adjusted for limits) \$268

Economic Benefit Worksheet

Respondent Central Bowie County Water Supply Corporation
Case ID No. 41764
Reg. Ent. Reference No. RN101389153
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$450,000	17-Mar-2011	30-Apr-2013	2.12	\$3,185	\$63,699	\$66,884
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 a minimum elevated storage capacity of 100 gallons per connection (Cost is for the elevated storage tanks at Plant No. 2 and Simms Plant - violation 8 of pcw), 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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$450,000	TOTAL	\$66,884
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Screening Date 27-May-2011

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PCW

Respondent Central Bowie County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 41764

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101389153

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)

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 is required to provide a service pump capacity of 400 gpm at the Simms Plant. The service pump capacity provided was 630 gpm, which is 37% deficient.

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 Facility could experience water outages and backflow problems exposing customers to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

71 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the investigation date, March 17, 2011, to the screening date, May 27, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37,158

Violation Final Penalty Total \$268

This violation Final Assessed Penalty (adjusted for limits) \$268

Economic Benefit Worksheet

Respondent Central Bowie County Water Supply Corporation
Case ID No. 41764
Reg. Ent. Reference No. RN101389153
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
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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	\$250,000	17-Mar-2011	30-Apr-2013	2.12	\$1,769	\$35,388	\$37,158
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to provide two or more service pumps that have a total capacity of 2.0 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

\$250,000

TOTAL

\$37,158

Screening Date 27-May-2011

Docket No. 2011-0873-PWS-E

PCW

Respondent Central Bowie County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 41764

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101389153

Media [Statute] Public Water Supply

Enf. Coordinator Michaëlle Sherlock

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(1) and (f)(3)(A)(iv)

Violation Description Failed to provide Facility records to Commission personnel at time of the investigation. Specifically, at the time of the investigation, it was documented that dead-end main flushing logs were not being maintained.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			X	1%

Matrix Notes At least 70% of the rule requirement was met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 Number of violation days 71

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

Violation Base Penalty \$10

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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5 Violation Final Penalty Total \$11

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

Economic Benefit Worksheet

Respondent Central Bowie County Water Supply Corporation
Case ID No. 41764
Reg. Ent. Reference No. RN101389153
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
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	\$100	17-Mar-2011	28-Feb-2012	0.95	\$5	n/a	\$5
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 compile and begin maintaining a record keeping system, that includes but is not limited to dead-end main flushing log, 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

\$100

TOTAL

\$5

Screening Date 27-May-2011

Docket No. 2011-0873-PWS-E

PCW

Respondent Central Bowie County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 41764

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101389153

Media [Statute] Public Water Supply

Enf. Coordinator Michaëlle Sherlock

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(B)

Violation Description

Failed to collect routine distribution coliform samples at regular time intervals throughout the month, which is required by a public water system which uses surface water or groundwater under the direct influence of surface water. Specifically, at the time of the investigation, it was documented that the Facility was only collecting samples once a month and eight samples were being taken instead of the nine that are needed based on the population served which is 7,662.

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

Failure to collect an adequate number of samples may expose the public to a significant amount of undetected contaminants which would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

1

71 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the investigation date, March 17, 2011, to the screening date, May 27, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$268

This violation Final Assessed Penalty (adjusted for limits) \$268

Economic Benefit Worksheet

Respondent Central Bowie County Water Supply Corporation
Case ID No. 41764
Reg. Ent. Reference No. RN101389153
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)				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	\$100	17-Mar-2011	28-Feb-2012	0.95	\$5	n/a	\$5
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 implement procedures to ensure that the correct number of samples are taken twice a month, 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 \$100

TOTAL \$5

Screening Date 27-May-2011

Docket No. 2011-0873-PWS-E

PCW

Respondent Central Bowie County Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 41764

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101389153

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, at the time of the investigation, it was documented that the Facility is required to provide 320,400 gallons of elevated storage capacity at the Simms Plant. The elevated storage available at the Simms Plant was 300,000 gallons, which is 5% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to provide adequate elevated storage capacity may expose customers of the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

1 71 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 \$0

Violation Final Penalty Total \$107

This violation Final Assessed Penalty (adjusted for limits) \$107

Economic Benefit Worksheet

Respondent Central Bowie County Water Supply Corporation
Case ID No. 41764
Reg. Ent. Reference No. RN101389153
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

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

The costs for this violation are included in violation No. 4.

Avoided Costs

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

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

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN600658884 Central Bowie County Water Supply Corporation Classification: Rating:
Regulated Entity: RN101389153 CENTRAL BOWIE COUNTY WSC Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0190024
WATER LICENSING LICENSE 0190024
Location: LOCATED ON N SIDE OF SH 82 0.5 MI W OF IH 30
NEAR NEW BOSTON IN BOWIE CO
TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: May 27, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 27, 2006 to May 27, 2011

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

Name: Michaelle Sherlock Phone: (210) 403-4076

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- 1 02/05/2008(652057)
 - 2 09/04/2008 (688639)
 - 3 06/26/2009 (744494)
 - 4 06/23/2010 (826567)
 - 5 05/11/2011 (915070)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/05/2008 (652057)

CN600658884

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: TOTAL TRIHALOMETHANES

Date: 09/10/2008 (688639) CN600658884

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
 Description: The level indicator/altimeter at the standpipe on FM 990 was not operational.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to provide a fence that meets the definition of intruder-resistant.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)
 Description: Failure to provide the minimum pressure tank capacity.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
 Description: Failure to maintain adequate residual disinfectant concentration.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to initiate maintenance and housekeeping practices.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)
 Description: Failure to provide engineering specifications.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 Description: Failure to install wiring in conduit.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)
 Description: Failure to provide the minimum elevated storage tank capacity.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
 Description: Failure to provide overflow with no more than 1/16" gap

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
CENTRAL BOWIE COUNTY
WATER SUPPLY CORPORATION
RN101389153**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0873-PWS-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a public water supply at the north side of State Highway 82, 1/2 mile west of Interstate Highway 30 near New Boston, Bowie County, Texas (the "Facility") that has approximately 2,504 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on May 16, 2011.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand Six Hundred Thirty-Four Dollars (\$3,634) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Nine Hundred Eight

Dollars (\$2,908) of the administrative penalty and Seven Hundred Twenty-Six Dollars (\$726) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On May 25, 2011, plans and specifications for a 100,000 gallon elevated storage tank were approved for construction at the Plant No. 2; and
 - b. On May 26, 2011, plans and specifications for six service pumps were approved for construction at Plants Nos. 1 and 2 and the Simms Plant.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to enclose all potable water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on March 17, 2011.
2. Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1), as documented during an investigation conducted on March 17, 2011.

3. Failed to ensure that the Facility's electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v), as documented during an investigation conducted on March 17, 2011.
4. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on March 17, 2011.
5. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on March 17, 2011.
6. Failed to provide Facility records to Commission personnel at time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(1) and (f)(3)(A)(iv), as documented during an investigation conducted on March 17, 2011.
7. Failed to collect routine distribution coliform samples at regular time intervals throughout the month, which is required by a public water system which uses surface water or groundwater under the direct influence of surface water, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(B), as documented during an investigation conducted on March 17, 2011.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Central Bowie County Water Supply Corporation, Docket No. 2011-0873-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin maintaining a record of the dates that dead-end mains are being flushed, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Ensure that the electrical wiring for the service pumps at Plant No. 1 is installed in compliance with a national or local code, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Begin collecting the required number of distribution coliform samples at regular time intervals throughout the month, in accordance with 30 TEX. ADMIN. CODE § 290.109; and
 - iv. Submit a copy of the plans and specifications for the Malta elevated storage tank and the Simms Plant, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 90 days after the effective date of this Agreed Order, ensure that the fence surrounding Plant No. 1 and the Malta elevated storage tank measures six feet in height prior to adding the strands of barbed wire, as required by 30 TEX. ADMIN. CODE § 290.43.
- d. Within 105 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 450 days after the effective date of this Agreed Order:
 - i. Provide an elevated storage capacity of 100 gallons per connection at Plant No. 2 and the Simms Plant, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide two or more service pumps having a capacity of 2.0 gpm per connection at the Simms Plant, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- f. Within 465 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.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 this document and all attachments were prepared under my direction or supervision in accordance with a system

designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and

accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

R. D. H. H. H.
For the Executive Director

10/6/11
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

Calvin Pierce
Signature

8/11/11
Date

CALVIN PIERCE
Name (Printed or typed)
Authorized Representative of
Central Bowie County Water Supply Corporation

President
Title

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