

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 45080  
Derby Water Supply Corporation  
RN101281178  
Docket No. 2012-1958-MLM-E

**Order Type:**

Default Order

**Media:**

MLM - PWS and WR

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

SE corner of the intersection of CR 3415 and CR 3428, Moore, Frio County

**Type of Operation:**

retail public utility

**Other Significant Matters:**

Additional Pending Enforcement Actions: None  
Past-Due Penalties: \$6,437.85 (2011-1101-PWS-E)  
Past-Due Fees: None  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** May 10, 2013

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$4,712

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$4,712

**Compliance History Classifications:**

Person/CN –Unclassified  
Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** \$37 upward adjustment (PCW 2); \$32 upward adjustment (PCW 3)

**Applicable Penalty Policy:** September 2002 (PCW 1 and 2); September 2011 (PCW 3)

**Investigation Information**

**Complaint Date(s):** N/A

**Date(s) of Investigation:** August 23, 2012

**Date(s) of NOV(s):** N/A

**Date(s) of NOE(s):** September 12, 2012

**Violation Information**

1. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier [30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B)].
2. Failed to make water works operation and maintenance records (regarding the amount of water treated each week) available for review by Commission personnel [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(ii)(III)].
3. Failed to maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
4. Failed to conduct annual inspections of the GST at the Facility [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
5. Failed to conduct annual inspections of the pressure tank at the Facility [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].
6. Failed to provide well completion data for the well at the Facility [30 TEX. ADMIN. CODE § 290.46(n)(3)].
7. Failed to maintain a thorough up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
8. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of facilities and equipment (GST relay switch, fence overgrown with vegetation) [30 TEX. ADMIN. CODE § 290.46(m) and (m)(6)].
9. Failed to provide a 16-gauge mesh or finer corrosion-resistant screen on the well casing vent [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].
10. Failed to provide disinfection facilities for the purpose of microbiological control and distribution protection at the Facility [30 TEX. ADMIN. CODE § 290.42(b)(1)].
11. Failed to post a legible sign at the Facility's production, treatment and storage facilities that contain the name of the Facility and emergency telephone numbers where a responsible Facility official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].
12. Failed to provide the GST with a liquid level indicator at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].
13. Failed to operate the Facility under the direct supervision of a water works operator that holds a Class "D" or higher license [TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(4)(A)].
14. Failed to enclose the well with an intruder-resistant fence with a lockable gate or a locked and ventilated well house [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].
15. Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(iv), (f)(3)(B)(i), (f)(3)(B)(iii), (f)(3)(D)(i) and (f)(3)(E)(ii)].
16. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of facilities and equipment (well overgrown with vegetation, well meter not functioning) [30 TEX. ADMIN. CODE § 290.46(m) and (m)(6)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 10 days, install and begin operating disinfection facilities to continuously maintain an adequate disinfectant residual throughout the distribution system for the purpose of microbiological control and distribution protection (violation no. 10).
2. Within 30 days:
  - a. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to: the amount of water treated each week, the dates that dead-end mains were flushed, copies of notices of violation and any resulting corrective actions, the disinfectant residual monitoring results from the distribution system, the results of microbiological analysis (violation nos. 2 and 15);
  - b. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, states the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with monitoring requirements (violation no. 3);
  - c. Conduct an annual inspection of the Facility's GST (violation no. 4);
  - d. Conduct an annual inspection of the Facility's pressure tank (violation no. 5);
  - e. Initiate good housekeeping practices, including but not limited to the following: removing the vegetation from the well and storage sites, repairing or replacing the relay switch, and replacing the well meter (violation nos. 8 and 16);
  - f. Ensure that the well casing vent is equipped with a 16-gauge mesh or finer corrosion-resistant screen (violation no. 9);
  - g. Display a legible sign at the well site with the Facility name and emergency telephone number where a responsible Facility official can be contacted (violation no. 11);
  - h. Commence operating the Facility under the direct supervision of a water works operator who holds a class "D" or higher license (violation no. 13); and
  - i. Provide a lock for the gate to secure the well (violation no. 14).
3. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1 through 2.i.
4. Within 60 days:
  - a. Submit and adopt a drought contingency plan that includes all elements for municipal use by a retail public water supplier (violation no. 1);
  - b. Begin maintaining copies of the well completion data for the well at the Facility. The well completion data shall include well material setting data, geologic log, sealing information, disinfection information, microbiological sample results, and chemical analysis reports of representative samples of water from the well, and shall be kept on file for as long as the well remains in service (violation no. 6);
  - c. Begin maintaining an up-to-date and thorough plant operations manual for operator review and reference (violation no. 7); and
  - d. Equip the GST with a liquid level indicator (violation no. 12).
5. Within 75 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 4.a. through 4.d.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 45080  
Derby Water Supply Corporation  
RN101281178  
Docket No. 2012-1958-MLM-E

**Litigation Information**

**Date Petition(s) Filed:** February 6, 2013  
**Date Green Card(s) Signed:** February 8, 2013  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Jim Sallans, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Amy Swanholm, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Epi Villarreal, Enforcement Division, (361) 825-3425

**TCEQ Regional Contact:** Lynn Bumguardner, San Antonio Regional Office, (210) 490-3096

**Respondent:** Humberto Gonzales, Vice-President, Derby Water Supply Corporation, 517 Power Plant Road, Pearsall, Texas 78061

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	17-Sep-2012		
	<b>PCW</b>	27-Sep-2012	<b>Screening</b>	27-Sep-2012
			<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Derby Water Supply Corporation		
<b>Reg. Ent. Ref. No.</b>	RN101281178		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	45080	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-1958-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Rights	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Public Water Supply	<b>Enf. Coordinator</b>	Michaelle Sherlock
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## 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

**Culpability**   Enhancement **Subtotal 4**

Notes

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

Notes

**PAYABLE PENALTY**

Screening Date 27-Sep-2012

Docket No. 2012-1958-MLM-E

PCW

Respondent Derby Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 45080

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101281178

Media [Statute] Water Rights

Enf. Coordinator Michaelle Sherlock

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 25%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for one default order.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 25%

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	45080			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Water Rights			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier. Specifically, at the time of the June 10, 2009 and August 23, 2012 investigations, it was documented that the Respondent had not adopted a drought contingency plan.

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>

**Matrix Notes**

100% of the rule requirement was not met.

**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	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input checked="" 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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**Media Violation No.** Water Rights  
 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)	\$360	10-Jun-2009	1-May-2013	3.89	\$5	\$93	\$98
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount necessary to draft and adopt a drought contingency plan, calculated from the date of the investigation when the violation was first documented 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 \$360

**TOTAL** \$98



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	17-Sep-2012		
	<b>PCW</b>	27-Sep-2012	<b>Screening</b>	27-Sep-2012
			<b>EPA Due</b>	

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Derby Water Supply Corporation		
<b>Reg. Ent. Ref. No.</b>	RN101281178		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	45080	<b>No. of Violations</b>	8
<b>Docket No.</b>	2012-1958-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Water Rights	<b>Enf. Coordinator</b>	Michaelle Sherlock
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

**Penalty Calculation Section**

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$2,360**

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

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

<b>Compliance History</b>	25.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$590</b>
Notes	Enhancement for one default order.			
<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>
Notes	The Respondent does not meet the culpability criteria.			
<b>Good Faith Effort to Comply Total Adjustments</b>			<b>Subtotal 5</b>	<b>\$0</b>
<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$479	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$557			

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$2,950**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
	<b>Final Penalty Amount</b> <b>\$2,950</b>

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$2,987**

**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	Deferral not offered for non-expedited settlement.
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**PAYABLE PENALTY** **\$2,987**

Screening Date 27-Sep-2012

Docket No. 2012-1958-MLM-E

PCW

Respondent Derby Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 45080

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101281178

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 25%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for one default order.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 25%

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	45080	<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(A)(ii)(III)

**Violation Description**

Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, at the time of the June 10, 2009 and August 23, 2012 investigations, the Respondent did not provide documentation of the amount of water treated each week.

**Base Penalty**

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>

**Percent**

**Matrix Notes**

Less than 30% of the rule requirement was not met.

**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	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" 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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**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	\$45	10-Jun-2009	1-Apr-2013	3.81	\$9	n/a	\$9
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to develop a record-keeping system for the amount of water treated each week, calculated from the date of the investigation when the violation was first documented 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** \$9

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	45080			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**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="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

**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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="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	<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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**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)	\$180	10-Jun-2009	1-Apr-2013	3.81	\$2	\$46	\$48
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 develop a chemical and microbiological monitoring plan, calculated from the date of the investigation when the violation was first documented 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 \$180

**TOTAL** \$48

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	45080	PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="10%"/>	
	<b>Release</b>	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	<b>Percent</b> <input type="text" value="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

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

**Violation Base Penalty**

Good Faith Efforts to Comply  Reduction

	<b>0.0%</b> 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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**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	\$41	10-Jun-2008	27-Sep-2012	4.30	\$9	\$176	\$185
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 necessary to conduct an annual inspection of the GST, calculated from 12 months prior to the investigation date when the violation was first documented to the screening date.

Approx. Cost of Compliance \$41

**TOTAL** \$185

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	45080			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**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="25%"/>
	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%"/>

**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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text" value="x"/>
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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**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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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	\$41	10-Jun-2008	27-Sep-2012	4.30	\$9	\$176	\$185
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 conduct an annual inspection of the pressure tank, calculated from 12 months prior to the date of the investigation when the violation was first documented to the screening date.

Approx. Cost of Compliance \$41

**TOTAL** \$185

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	45080			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**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="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

**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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="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	<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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**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	\$100	10-Jun-2009	1-May-2013	3.89	\$19	n/a	\$19
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 the well completion data for this Facility's well, calculated from the date of the investigation when the violation was first documented 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** \$19

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	45080			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="0%"/>
	Major	Moderate	Minor	
	<b>Release</b>	<input type="text"/>	<input type="text"/>	
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="10%"/>
	<input type="text"/>	x	<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 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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**Media Violation No.** Public Water Supply  
 6

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	\$100	10-Jun-2009	1-May-2013	3.89	\$19	n/a	\$19
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**   The delayed cost includes the estimated amount to develop a plant operations manual, calculated from the date of the investigation when the violation was first documented 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**   \$19

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	45080	<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**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="10%"/>
	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%"/>

**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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**Media Violation No.** Public Water Supply  
 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)	\$500	10-Jun-2009	1-Apr-2013	3.81	\$6	\$127	\$133
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 other delayed costs include the estimated amount to replace the relay switch and remove vegetation from the Facility fencing (\$100 + \$400), calculated from the date of the investigation when the violation was first documented 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	\$500	<b>TOTAL</b>	\$133
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<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	45080			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**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="10%"/>
	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%"/>

**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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment	\$50	10-Jun-2009	1-Apr-2013	3.81	\$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 replace the screen on the well casing vent, calculated from the date of the investigation when the violation was first documented 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 \$50

**TOTAL** \$13



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

<b>DATES</b>	<b>Assigned</b>	17-Sep-2012	<b>Screening</b>	27-Sep-2012	<b>EPA Due</b>	
	<b>PCW</b>	27-Sep-2012				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Derby Water Supply Corporation		
<b>Reg. Ent. Ref. No.</b>	RN101281178		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	45080	<b>No. of Violations</b>	7
<b>Docket No.</b>	2012-1958-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Water Rights	<b>Enf. Coordinator</b>	Michaelle Sherlock
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$855
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**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

<b>Compliance History</b>	25.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$213
<b>Notes</b>	Enhancement for one default order.		
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b>	\$0
<b>Notes</b>	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b>	\$0
<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$1,136	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$12,680		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,068
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
	<b>Final Penalty Amount</b> \$1,068

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,100
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$1,100
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**Screening Date** 27-Sep-2012      **Docket No.** 2012-1958-MLM-E  
**Respondent** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Michaelle Sherlock

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> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)** 25%

#### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one default order.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 25%

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation	<i>Policy Revision 3 (September 2011)</i>		
<b>Case ID No.</b>	45080	<i>PCW Revision August 3, 2011</i>		
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.42(b)(1)

**Violation Description**

Failed to provide disinfection facilities for the purpose of microbiological control and distribution protection. Specifically, at the time of the August 23, 2012 investigation, disinfection facilities were not present.

**Base Penalty**

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

OR

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

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

Failure to provide disinfection facilities 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

<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**

Two monthly events are recommended, calculated from the date of the investigation, August 23, 2012, to the date of screening, September 27, 2012.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**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	\$1,000	23-Aug-2012	1-Mar-2013	0.52	\$2	\$35	\$36
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**   The delayed cost includes the estimated amount to provide disinfection facilities, 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**   \$1,000   **TOTAL**   \$36

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	45080			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**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="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

**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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="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	<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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**Media Violation No.** Public Water Supply  
 2

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	\$100	23-Aug-2012	1-Apr-2013	0.61	\$0	\$4	\$4
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 post a sign at the well location, 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

**TOTAL**

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation	<i>Policy Revision 3 (September 2011)</i>		
<b>Case ID No.</b>	45080	<i>PCW Revision August 3, 2011</i>		
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="3.0%"/>	
		Major	Moderate		Minor
	<b>Release</b>	<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" value="x"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <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

<i>mark only one with an x</i>	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	<input type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**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	\$200	23-Aug-2012	1-May-2013	0.69	\$0	\$9	\$10
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed cost includes the estimated amount to provide a water level indicator for the GST, 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 \$200

**TOTAL** \$10

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation	<i>Policy Revision 3 (September 2011)</i>		
<b>Case ID No.</b>	45080	<i>PCW Revision August 3, 2011</i>		
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <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" 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

	<b>Reduction</b>	
	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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**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	\$10,400	23-Aug-2012	27-Sep-2012	0.10	\$50	\$997	\$1,047
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 hire a part-time operator with a Class "D" license, calculated from the date of the investigation to the screening date.

Approx. Cost of Compliance \$10,400

**TOTAL** \$1,047

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	45080			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**Media** Public Water Supply  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Equipment	\$10	23-Aug-2012	1-Apr-2013	0.61	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a lock for the gate at the well facility, 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 \$10

**TOTAL** \$0

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	45080			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**Violation Number**

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

**Violation Description**

Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, at the time of the August 23, 2012 investigation, the Respondent did not provide documentation of the amount of each chemical used each week, the dates that dead-end mains were flushed, copies of notices of violation and any resulting corrective actions, the disinfectant residual monitoring results from the distribution system, the results of microbiological analyses, or the results of chemical analyses.

**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="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

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

Matrix Notes

Between 30% and 70% of the rule requirement was not met.

**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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

**Violation Base Penalty**

One single event is recommended.

**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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**Media Violation No.** Public Water Supply  
 6

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	\$270	23-Aug-2012	1-Apr-2013	0.61	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**   The delayed cost includes the estimated amount to develop a record-keeping system (\$45 per record x 6 missing records), 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**   \$270   **TOTAL**   \$8

<b>Screening Date</b>	27-Sep-2012	<b>Docket No.</b>	2012-1958-MLM-E	<b>PCW</b>
<b>Respondent</b>	Derby Water Supply Corporation	<i>Policy Revision 3 (September 2011)</i>		
<b>Case ID No.</b>	45080	<i>PCW Revision August 3, 2011</i>		
<b>Reg. Ent. Reference No.</b>	RN101281178			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <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	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	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** Derby Water Supply Corporation  
**Case ID No.** 45080  
**Reg. Ent. Reference No.** RN101281178  
**Media Violation No.** Public Water Supply  
 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	\$500	23-Aug-2012	1-Apr-2013	0.61	\$1	\$20	\$21
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	23-Aug-2012	1-Apr-2013	0.61	\$0	\$8	\$8
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 equipment cost includes the estimated amount to replace the well meter (\$500). The other delayed cost includes the estimated amount to mow the grass and weeds at the well and storage facilities (\$200), 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**

<b>Approx. Cost of Compliance</b>	\$700	<b>TOTAL</b>	\$30
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The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PENDING** Compliance History Report for CN600671895, RN101281178, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN600671895, Derby Water Supply Corporation      **Classification:** UNCLASSIFIED      **Rating:** -----

**Regulated Entity:** RN101281178, DERBY WSC      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Complexity Points:** N/A      **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** SE CORNER OF THE INTERSECTION OF CR 3415 AND CR 3428 FRIO COUNTY, TX

**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0820016      **WATER LICENSING LICENSE** 0820016

**Compliance History Period:** September 01, 2007 to August 31, 2012      **Rating Year:** 2012      **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** September 27, 2012

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 27, 2007 to September 27, 2012

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Michaëlle Sherlock      **Phone:** (210) 403-4076

## Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator?      N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)?      N/A
- 5) If YES, when did the change(s) in owner or operator occur?      N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

- 1 **Effective Date:** 06/14/2012      **ADMINORDER** 2011-1101-PWS-E      **(Findings Order)**
  - Classification:** Moderate
  - Citation:** 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
  - Description:** This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.
  - Classification:** Moderate
  - Citation:** 30 TAC Chapter 290, SubChapter F 290.106(e)
  - Description:** This system failed to monitor and/or failed to report metal levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.
  - Classification:** Moderate
  - Citation:** 30 TAC Chapter 290, SubChapter F 290.106(e)
  - Description:** This system failed to monitor and/or failed to report mineral levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.
  - Classification:** Major
  - Citation:** 30 TAC Chapter 290, SubChapter F 290.106(e)
  - Description:** This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.
  - Classification:** Moderate
  - Citation:** 30 TAC Chapter 290, SubChapter F 290.108(e)
  - Description:** This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.
  - Classification:** Moderate
  - Citation:** 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
  - Description:** This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2008.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2009 to its bill-paying customers.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)  
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2009 CCR year to the TCEQ.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 02/2011 - Failure to collect any routine monitoring sample(s).

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 03/2011 - Failure to collect any routine monitoring sample(s).

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 04/2011 - Failure to collect any routine monitoring sample(s).

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 02/2011 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 05/2011 - Failure to collect any routine monitoring sample(s).

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2010, but a notice of violation was not sent.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2010, but a notice of violation was not sent.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2009, but a notice of violation was not sent.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2009, but a notice of violation was not sent.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2008, but a notice of violation was not sent.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2008, but a notice of violation was not sent.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2008, but a notice of violation was not sent.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2007, but a notice of violation was not sent.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2007, but a notice of violation was not sent.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2007, but a notice of violation was not sent.

Classification: Moderate  
 Citation: 2A TWC Chapter 5, SubChapter A 5.702  
 30 TAC Chapter 290, SubChapter E 290.51(a)(3)  
 Description: Failed to pay annual public health service fees, including any associated late fees, for TCEQ Financial Administration Account No. 90940085 for Fiscal Year 2011.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1                      November 15, 2007                      (600434)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**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

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DERBY WATER SUPPLY  
CORPORATION;  
RN101281178**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2012-1958-MLM-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 11, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Derby Water Supply Corporation ("Respondent").

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

### **FINDINGS OF FACT**

1. Respondent owns and operates, for compensation, a public water system located at the southeast corner of the intersection of County Road 3415 and County Road 3428 in Moore, Frio County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 60 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). The Facility adjoins, is contiguous with, adjoins, or is near or adjacent to state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(50).
2. During an investigation conducted on August 23, 2012, a TCEQ San Antonio Regional Office investigator documented that Respondent:
  - a. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier;
  - b. Failed to make water works operation and maintenance records available for review by Commission personnel. Specifically, Respondent did not provide documentation of the amount of water treated each week by the Facility;
  - c. Failed to maintain an up-to-date chemical and microbiological monitoring plan. Specifically, Respondent did not have a current chemical and microbiological monitoring plan for the Facility;
  - d. Failed to conduct annual inspections of the ground storage tank ("GST") at the Facility;
  - e. Failed to conduct annual inspections of the pressure tank at the Facility;
  - f. Failed to provide well completion data for the well at the Facility. Specifically, Respondent did not have any well completion data, including geological log, well sealing information, microbiological sampling results, or chemical analysis of well water;
  - g. Failed to maintain a thorough up-to-date plant operations manual for operator review and reference;

- h. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of facilities and equipment. Specifically, trees and vines were growing on the fencing at the well and storage facilities, and the relay switch which turns on the water pump when the GST water level is low was not working;
  - i. Failed to provide a 16-gauge mesh or finer corrosion-resistant screen on the well casing vent. Specifically, the screening on the well casing vent had deteriorated;
  - j. Failed to provide disinfection facilities for the purpose of microbiological control and distribution protection at the Facility;
  - k. Failed to post a legible sign at the Facility's production, treatment and storage facilities that contain the name of the Facility and emergency telephone numbers where a responsible Facility official can be contacted. Specifically, the well at the Facility did not have a sign;
  - l. Failed to provide the GST with a liquid level indicator at the tank site;
  - m. Failed to operate the Facility under the direct supervision of a water works operator that holds a Class "D" or higher license. Specifically, the Facility did not have a licensed operator;
  - n. Failed to enclose the well with an intruder-resistant fence with a lockable gate or a locked and ventilated well house. Specifically, the gate at the well site did not have a lock;
  - o. Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, Respondent did not provide documentation of the amount of each chemical used each week, the dates that dead-end mains were flushed, copies of notices of violation and any resulting corrective actions, the disinfectant residual monitoring results from the distribution system, the results of microbiological analyses, and the results of chemical analyses; and
  - p. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of facilities and equipment. Specifically, the well and storage sites were overgrown with grass and weeds and the well meter was not functioning.
3. Respondent received notice of the violations on or about September 17, 2012.
  4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Derby Water Supply Corporation" (the "EDPRP") in the TCEQ Chief Clerk's office on February 6, 2013.
  5. By letter dated February 6, 2013, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on February 8, 2013, as evidenced by the signature on the card.
  6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 11, 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 adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to make water works operation and maintenance records available for review by Commission personnel, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(ii)(III).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to conduct annual inspections of the GST at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to conduct annual inspections of the pressure tank at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide well completion data for the well at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to maintain a thorough up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(I).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m) and (m)(6).
10. As evidenced by Finding of Fact 2.i., Respondent failed to provide a 16-gauge mesh or finer corrosion-resistant screen on the well casing vent, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
11. As evidenced by Finding of Fact 2.j., Respondent failed to provide disinfection facilities for the purpose of microbiological control and distribution protection at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1).
12. As evidenced by Finding of Fact 2.k., Respondent failed to post a legible sign at the Facility's production, treatment and storage facilities that contain the name of the Facility and emergency telephone numbers where a responsible Facility official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
13. As evidenced by Finding of Fact 2.l., Respondent failed to provide the GST with a liquid level indicator at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).

14. As evidenced by Finding of Fact 2.m., Respondent failed to operate the Facility under the direct supervision of a water works operator that holds a Class "D" or higher license, in violation of TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(4)(A).
15. As evidenced by Finding of Fact 2.n., Respondent failed to enclose the well with an intruder-resistant fence with a lockable gate or a locked and ventilated well house, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O).
16. As evidenced by Finding of Fact 2.o., Respondent failed to make water works operation and maintenance records available for review by Commission personnel during the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(iv), (f)(3)(B)(i), (f)(3)(B)(iii), (f)(3)(D)(i) and (f)(3)(E)(ii).
17. As evidenced by Finding of Fact No. 2.p., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m) and (m)(6).
18. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842, and 30 TEX. ADMIN. CODE § 70.104(b)(1).
19. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
20. Pursuant to by TEX. HEALTH & SAFETY CODE § 341.049 and TEX. WATER CODE § 11.0842, 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.
21. An administrative penalty in the amount of four thousand seven hundred twelve dollars (\$4,712.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049 and TEX. WATER CODE § 11.0842.
22. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty in the amount of four thousand seven hundred twelve dollars (\$4,712.00) 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 Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.

2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Derby Water Supply Corporation; Docket No. 2012-1958-MLM-E" to:

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

3. Respondent shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Order, Respondent shall install and begin operating disinfection facilities to continuously maintain an adequate disinfectant residual throughout the distribution system for the purpose of microbiological control and distribution protection, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 11).
  - b. Within 30 days after the effective date of this Order, Respondent shall:
    - i. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to: the amount of water treated each week, the dates that dead-end mains were flushed, copies of notices of violation and any resulting corrective actions, the disinfectant residual monitoring results from the distribution system, the results of microbiological analysis, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusions of Law Nos. 3 and 16);
    - ii. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, states the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121 (Conclusion of Law No. 4);
    - iii. Conduct an annual inspection of the Facility's GST, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 5);
    - iv. Conduct an annual inspection of the Facility's pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 6);
    - v. Initiate good housekeeping practices, including but not limited to the following: removing the vegetation from the well and storage sites, repairing or replacing the relay switch, and replacing the well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusions of Law Nos. 9 and 17);
    - vi. Ensure that the well casing vent is equipped with a 16-gauge mesh or finer corrosion-resistant screen (Conclusion of Law No. 10);
    - vii. Display a legible sign at the well site with the Facility name and emergency telephone number where a responsible Facility official can be contacted, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 12);

- viii. Commence operating the Facility under the direct supervision of a water works operator who holds a class "D" or higher license, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 14); and
- ix. Provide a lock for the gate to secure the well site, in accordance with 30 TEX. ADMIN. CODE § 290.41 (Conclusion of Law No. 15).
- c. Within 45 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.f., below, to demonstrate compliance with Ordering Provisions Nos. 3.a. and 3.b.
- d. Within 60 days after the effective date of this Order, Respondent shall:
  - i. Submit and adopt a drought contingency plan that includes all elements for municipal use, in accordance with 30 TEX. ADMIN. CODE §§ 288.20 and 288.30 (Conclusion of Law No. 2);
  - ii. Begin maintaining copies of the well completion data for the well at the Facility. The well completion data shall include well material setting data, geologic log, sealing information, disinfection information, microbiological sample results, and chemical analysis reports of representative samples of water from the well, and shall be kept on file for as long as the well remains in service, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 7);
  - iii. Begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 8); and
  - iv. Equip the GST with a liquid level indicator, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Conclusion of Law No. 13).
- e. Within 75 days after the effective date of this Order, Respondent shall submit written certification in accordance Ordering Provision 3.f. below, to demonstrate compliance with Ordering Provision No. 2.d.
- f. The certifications required by these ordering provisions 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 certifications 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

with copies to:

Lynn Bumguardner, Water Section Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-3087

and:

Bob Patton, Jr., Section Manager  
Public Drinking Water Section, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF JIM SALLANS**

**STATE OF TEXAS**

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**COUNTY OF TRAVIS**

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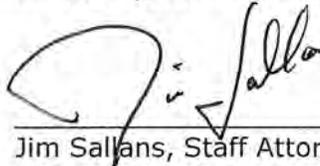
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"My name is Jim Sallans. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Derby Water Supply Corporation" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on February 6, 2013.

By letter dated February 6, 2013, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on February 8, 2013, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



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Jim Sallans, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jim Sallans, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 12<sup>th</sup> day of April, A.D. 2013.

Stephanie Barrera  
Notary Signature



Notary without Bond