

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 42283  
Eola Water Supply Corporation  
RN102673183  
Docket No. 2013-0751-MLM-E

**Order Type:**

Default Order

**Media:**

MLM: public water supply and water rights

**Small Business:**

Yes

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

near the intersection of Farm-to-Market Road 765 and State Highway 381, Eola, Concho County

**Type of Operation:**

public water supply

**Other Significant Matters:**

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

**Texas Register Publication Date:** November 22, 2013

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$7,119

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

**Total Due to General Revenue:** \$7,119

**Compliance History Classifications:**

Person/CN – Satisfactory  
Site/RN – Not Applicable

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2011 (PCW 1); September 2011 (PCW 2);  
September 2002 (PCW 3); September 2011 (PCW 4)

**Investigation Information**

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

**Date(s) of Investigation:** March 25, 2013

**Date(s) of NOV(s):** December 14, 2012; March 5, 2013; March 26, 2013

**Date(s) of NOE(s):** April 10, 2013 and May 3, 2013

**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) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.e.i.].
2. Failed to notify the Executive Director in writing upon completion of all work [30 TEX. ADMIN. CODE § 290.39(d)(3)(C) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.a.ii.].

**Eola Water Supply Corporation****RN102673183****Docket No. 2013-0751-MLM-E**

3. Failed to provide a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(K) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.a.iii.].
4. Failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations [30 TEX. ADMIN. CODE § 290.110(f)(1)(A)].
5. Failed to provide a copy of the well completion data [30 TEX. ADMIN. CODE § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.e.ii.].
6. Failed to calibrate the well flow meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.a.vi.].
7. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(b)(6) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.a.viii.].
8. Failed to provide public notification regarding AMCL violations for nitrate which occurred during the first and second quarters of 2011 [30 TEX. ADMIN. CODE § 290.122(a)(2)].
9. Failed to provide public notification regarding AMCL violations for nitrate which occurred during the third quarter of 2011 through the third quarter of 2012 [30 TEX. ADMIN. CODE § 290.122(a)(2)].
10. Failed to submit DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
11. Failed to mail or directly deliver one copy of the CCR for the year 2010 to each bill paying customer by July 1, 2011, and failed to submit to the TCEQ by July 1, 2011, a copy of the 2010 annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].

**Corrective Actions/Technical Requirements****Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Provide notification to the Executive Director of the completion of the relocation of the disinfection equipment;
  - b. Provide the well with a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well;
  - c. Calibrate the well flow meter;
  - d. Develop and maintain an up-to-date chemical and microbiological monitoring plan that includes a description of raw groundwater sampling to be conducted after a distribution coliform-positive result;
  - e. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including submitting public notification regarding the AMCL violations for nitrate;

**Eola Water Supply Corporation**

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- f. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs; and
  - g. Mail or directly deliver one copy of the CCR prepared by using the compliance monitoring data for the year 2012 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers of the Facility.
2. Within 45 days, submit a copy of the CCR required by Technical Requirement No. 1.g. and certification that the information in the CCR is correct and consistent with the compliance monitoring plan.
  3. Within 90 days:
    - a. Adopt a complete Drought Contingency Plan;
    - b. Either provide a copy of the well completion data, including disinfection information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well, or obtain exception to the rule;
    - c. Begin to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations, including using all disinfectant residual monitoring results from sites designated on the monitoring plan when preparing DLQORs; and
    - d. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter.
  4. Submit written certification to demonstrate compliance:
    - a. Within 45 days for Technical Requirements Nos. 1.a. through 1.a.g;
    - b. Within 60 days for Technical Requirement No. 2;
    - c. Within 105 days for Technical Requirements Nos. 3.a. through 3.c.; and
    - d. Within 285 days for Technical Requirement No. 3.d.

**Litigation Information****Date Petition(s) Filed:** August 23, 2013**Date Green Card(s) Signed:** August 30, 2013**Date Answer(s) Filed:** N/A**Contact Information****TCEQ Attorneys:** Phillip M. Goodwin, P.G., Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Garrett Arthur, Public Interest Counsel, (512) 239-6363**TCEQ Enforcement Coordinator:** Michaele Garza, Enforcement Division,**TCEQ Regional Contact:** Christopher Mayben, P.G., San Angelo Regional Office, (325) 655-9479**Respondent:** Rebecca Dorotik, President, Eola Water Supply Corporation, Box 746, Eola, Texas 76937**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	15-Apr-2013			
	<b>PCW</b>	7-May-2013	<b>Screening</b>	17-Apr-2013	<b>EPA Due</b>
					31-Dec-2012

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Eola Water Supply Corporation		
<b>Reg. Ent. Ref. No.</b>	RN102673183		
<b>Facility/Site Region</b>	8-San Angelo	<b>Major/Minor Source</b>	Minor

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	42283	<b>No. of Violations</b>	1
<b>Docket No.</b>	2013-0751-MLM-E	<b>Order Type</b>	Findings
<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 Garza
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,000
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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>	35.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$1,050
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<b>Notes</b>	Enhancement for three NOV's with same/similar violations and one agreed order with denial.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$48	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$360	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,050
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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>	
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<b>Final Penalty Amount</b>	\$4,050
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,050
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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>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$4,050
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Screening Date 17-Apr-2013

Docket No. 2013-0751-MLM-E

PCW

Respondent Eola Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 42283

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102673183

Media [Statute] Water Rights

Enf. Coordinator Michaëlle Garza

## 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> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<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) 35%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations and one agreed order with denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 35%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 35%

<b>Screening Date</b>	17-Apr-2013	<b>Docket No.</b>	2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b>	Eola Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	42283			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102673183			
<b>Media [Statute]</b>	Water Rights			
<b>Enf. Coordinator</b>	Michaelle Garza			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.e.i.

**Violation Description** Failed to adopt a Drought Contingency Plan which includes all elements for municipal use by a retail public water supplier. Specifically, the Respondent did not provide a Drought Contingency Plan with clear descriptions of conditions that trigger each conservation stage and did not provide descriptions of the actions to be taken at each conservation stage.

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>				<b>Percent</b> <input type="text" value="0.0%"/>
	<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"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="5.0%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<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 checked="" type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<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**

**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** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**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	12-May-2012	1-Apr-2014	1.89	\$2	\$45	\$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 draft and adopt a Drought Contingency Plan, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1451-MLM-E to the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$360	<b>TOTAL</b>	\$48
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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	15-Apr-2013	<b>Screening</b>	17-Apr-2013	<b>EPA Due</b>	31-Dec-2012
	<b>PCW</b>	7-May-2013				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Eola Water Supply Corporation		
<b>Reg. Ent. Ref. No.</b>	RN102673183		
<b>Facility/Site Region</b>	8-San Angelo	<b>Major/Minor Source</b>	Minor

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	42283	<b>No. of Violations</b>	6
<b>Docket No.</b>	2013-0751-MLM-E	<b>Order Type</b>	Findings
<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 Garza
		<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** **\$1,490**

**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>	35.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$521</b>
Notes	Enhancement for three NOV's with same/similar violations and one agreed order with denial.		
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</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	\$124	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$771		

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$2,011**

**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>\$2,011</b>

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$2,057**

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

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

Notes	No deferral is recommended for Findings Orders.
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**PAYABLE PENALTY** **\$2,057**

Screening Date 17-Apr-2013

Docket No. 2013-0751-MLM-E

PCW

Respondent Eola Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 42283

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102673183

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

## 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> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<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) 35%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations and one agreed order with denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 35%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 35%

<b>Screening Date</b>	17-Apr-2013	<b>Docket No.</b>	2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b>	Eola Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	42283			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102673183			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.39(d)(3)(C) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.a.ii.

**Violation Description** Failed to notify the Executive Director in writing upon completion of all work. Specifically, Respondent did not notify the Executive Director of the relocation of the disinfection equipment that was completed in April 2011.

**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="0.0%"/>

>> **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="5.0%"/>

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

**Violation Base Penalty**

Twelve monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1451-MLM-E, May 12, 2012, to the date of screening, April 17, 2013.

**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** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	12-May-2012	1-Feb-2014	1.73	\$0	\$6	\$6
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 notification to the Executive Director of the relocation of the disinfection equipment, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1451-MLM-E to the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$50	<b>TOTAL</b>	\$6
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<b>Screening Date</b> 17-Apr-2013	<b>Docket No.</b> 2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b> Eola Water Supply Corporation		<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b> 42283		<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b> RN102673183		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Michaelle Garza		

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(K) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.a.iii.

**Violation Description**  
 Failed to provide a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Specifically, Respondent did not reinstall the air vent on the well.

**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"/>	x	<input type="text"/>
				<b>Percent</b> <input type="text" value="5.0%"/>

>> **Programmatic Matrix**

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

**Matrix Notes**  
 Failure to provide the well with a casing vent may cause the well to form an undesirable vacuum that would prevent the release of trapped air, resulting in customers being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Four quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1451-MLM-E, May 12, 2012, to the date of screening, April 17, 2013.

**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**  
 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** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**Media** Public Water Supply  
**Violation No.** 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$100	12-May-2012	1-Feb-2014	1.73	\$1	\$12	\$12
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**   The delayed cost includes the estimated amount to install a well casing vent, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1451-MLM-E to the estimated date of compliance.

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**   \$100   **TOTAL**   \$12

<b>Screening Date</b>	17-Apr-2013	<b>Docket No.</b>	2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b>	Eola Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	42283			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102673183			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

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

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**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	\$45	25-Mar-2013	1-Feb-2014	0.86	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all disinfectant residual results are used in the completion of DLOORs, 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>	\$45	<b>TOTAL</b>	\$2
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<b>Screening Date</b>	17-Apr-2013	<b>Docket No.</b>	2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b>	Eola Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	42283			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102673183			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.e.ii.			
<b>Violation Description</b>	Failed to provide a copy of the well completion data.			
		<b>Base Penalty</b>	\$1,000	

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>			<b>Percent</b>
	Major	Moderate	Minor	
	Actual			
Potential				

>> Programmatic Matrix

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

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

**Adjustment** \$950  
\$50

Violation Events

Number of Violation Events: 12      340 Number of violation days

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

**Violation Base Penalty** \$600

Twelve monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1451-MLM-E, May 12, 2012, to the date of screening, April 17, 2013.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	

**Violation Subtotal** \$600

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount \$66	Violation Final Penalty Total \$810
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$810	

## Economic Benefit Worksheet

**Respondent** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	12-May-2012	1-Apr-2014	1.89	\$3	\$63	\$66
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 obtain the required well completion data, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1451-MLM-E to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$500

**TOTAL** \$66

<b>Screening Date</b>	17-Apr-2013	<b>Docket No.</b>	2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b>	Eola Water Supply Corporation	<i>Policy Revision 3 (September 2011)</i>		
<b>Case ID No.</b>	42283	<i>PCW Revision August 3, 2011</i>		
<b>Reg. Ent. Reference No.</b>	RN102673183			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			
<b>Violation Number</b>	5			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2011-1451 MLM-E, Ordering Provision No. 2.a.vi.			
<b>Violation Description</b>	Failed to calibrate the well flow meter at least once every three years.			
<b>Base Penalty</b>				\$1,000

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>			<b>Percent</b>
	Major	Moderate	Minor	
	Actual			
	Potential		x	3.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	<b>Percent</b>
					0.0%

Matrix Notes: Failure to calibrate the well meter could result in the operator obtaining inaccurate well production data, resulting in customers being exposed to insignificant amounts of contaminants which would not exceed levels protective of human health.

**Adjustment** \$970

\$30

Violation Events

Number of Violation Events: 1      340 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$30

One single event is recommended.

Good Faith Efforts to Comply      0.0% Reduction      \$0

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

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

**Violation Subtotal** \$30

Economic Benefit (EB) for this violation      Statutory Limit Test

Estimated EB Amount \$34      Violation Final Penalty Total \$41

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

## Economic Benefit Worksheet

**Respondent** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs [3]</b>	<b>\$31</b>	<b>12-May-2012</b>	<b>17-Apr-2013</b>	1.85	\$3	\$31	\$34
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the well meter, calculated from the effective date of TCEQ Agreed Order Docket 2011-1451-MLM-E to the date of screening.

Approx. Cost of Compliance \$31

**TOTAL** \$34

<b>Screening Date</b>	17-Apr-2013	<b>Docket No.</b>	2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b>	Eola Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	42283			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102673183			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan. Specifically, Respondent did not provide a monitoring plan for the Facility that included a description of well sampling for triggered coliform monitoring.

**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"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>

Matrix Notes

Less than 30% 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** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	12-May-2012	1-Feb-2014	1.73	\$4	n/a	\$4
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 update the monitoring plan to include a description of well sampling for triggered coliform monitoring, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1451-MLM-E to the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$45

**TOTAL** \$4



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	6-May-2013	<b>Screening</b>	7-May-2013	<b>EPA Due</b>	31-Dec-2012
	<b>PCW</b>	7-May-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Eola Water Supply Corporation		
<b>Reg. Ent. Ref. No.</b>	RN102673183		
<b>Facility/Site Region</b>	8-San Angelo	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42283	<b>No. of Violations</b>	1
<b>Docket No.</b>	2013-0751-MLM-E	<b>Order Type</b>	Findings
<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 Garza
		<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**

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

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

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

Notes

Enhancement for three NOV's with same/similar violations and one agreed order with denial.

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

Notes

The Respondent does not meet the culpability criteria.

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$57
Approx. Cost of Compliance	\$150

\*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

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 7-May-2013

Docket No. 2013-0751-MLM-E

PCW

Respondent Eola Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 42283

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102673183

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

## 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> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<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) 35%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for three NOVs with same/similar violations and one agreed order with denial.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 35%

<b>Screening Date</b>	7-May-2013	<b>Docket No.</b>	2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b>	Eola Water Supply Corporation		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	42283	PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.</b>	RN102673183			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §290.122(a)(2)

**Violation Description**

Failed to provide public notification regarding acute maximum contaminant level ("AMCL") violations for nitrate which occurred during the first and second quarters of 2011.

**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 checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Percent**

**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**

Two single events are recommended (one for each notice).

**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** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**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	\$100	25-Mar-2013	1-Feb-2014	0.86	\$4	n/a	\$4
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 update the Facility's operational guidance and conduct employee training to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	15-Mar-2011	23-Jun-2011	1.19	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 The avoided cost includes the estimated amount to provide public notification (\$25 per notice x 2 notices) of the nitrate AMCL violations, calculated for the period when public notification should have been provided.

Approx. Cost of Compliance \$150

**TOTAL** \$57



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	6-May-2013	Screening	7-May-2013	EPA Due	31-Dec-2012
	PCW	7-May-2013				

**RESPONDENT/FACILITY INFORMATION**

Respondent	Eola Water Supply Corporation		
Reg. Ent. Ref. No.	RN102673183		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

**CASE INFORMATION**

Enf./Case ID No.	42283	No. of Violations	3
Docket No.	2013-0751-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Michaelle Garza
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

**Penalty Calculation Section**

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

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

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

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

Notes

**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 7-May-2013

Docket No. 2013-0751-MLM-E

PCW

Respondent Eola Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 42283

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102673183

Media [Statute] Public Water Supply

Enf. Coordinator Michaëlle Garza

## 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> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<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) 35%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations and one agreed order with denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 35%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 35%

<b>Screening Date</b>	7-May-2013	<b>Docket No.</b>	2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b>	Eola Water Supply Corporation		Policy Revision 3 (September 2011)	
<b>Case ID No.</b>	42283	PCW Revision August 3, 2011		
<b>Reg. Ent. Reference No.</b>	RN102673183			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §290.122(a)(2)

**Violation Description**

Failed to provide public notification regarding acute maximum contaminant level ("AMCL") violations for nitrate which occurred during the third quarter of 2011 through the third quarter of 2012.

**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 checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

100% 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 checked="" type="text" value="x"/>

**Violation Base Penalty**

Five single events are recommended (one for each notice).

**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

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** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**Media Violation No.** Public Water Supply  
 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

**Notes for DELAYED costs** The delayed cost is captured in the economic benefit associated with Violation No. 1 on the Revision No. 2 penalty calculation worksheet.

**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]	\$125	28-Sep-2011	7-Sep-2012	1.86	\$12	\$125	\$137
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs** The avoided cost includes the estimated amount to provide public notification (\$25 per notice x 5 notices) of the nitrate AMCL violations, calculated for the period when public notification should have been provided.

<b>Approx. Cost of Compliance</b>	\$125	<b>TOTAL</b>	\$137
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<b>Screening Date</b> 7-May-2013	<b>Docket No.</b> 2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b> Eola Water Supply Corporation		<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b> 42283		<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b> RN102673183		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Michaelle Garza		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**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" 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 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** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	25-Mar-2013	1-Feb-2014	0.86	\$2	n/a	\$2
Training/Sampling	\$100	25-Mar-2013	1-Feb-2014	0.86	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$113	10-Jan-2012	10-Jan-2013	1.92	\$11	\$113	\$124
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to timely prepare and submit DLQORs (\$22.50 per DLQOR), calculated from the due date of the first DLQOR to the due date of the last DLQOR.

Approx. Cost of Compliance

\$258

**TOTAL**

\$130

<b>Screening Date</b>	7-May-2013	<b>Docket No.</b>	2013-0751-MLM-E	<b>PCW</b>
<b>Respondent</b>	Eola Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	42283			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102673183			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer for the year 2011 by July 1, 2011, and failed to submit to the TCEQ by July 1, 2011, a copy of the 2011 annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data.

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="0.0%"/>	
	<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"/>	

**>> Programmatic Matrix**

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

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

**Violation Base Penalty**

One annual 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	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** Eola Water Supply Corporation  
**Case ID No.** 42283  
**Reg. Ent. Reference No.** RN102673183  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs [3]</b>	<b>\$77</b>	<b>1-Jul-2012</b>	<b>7-May-2013</b>	<b>1.77</b>	<b>\$7</b>	<b>\$77</b>	<b>\$84</b>
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the CCRs to the customers of the Facility (calculation: (\$0.50 x 54 connections) + (\$50)), calculated from the due date of the delinquent CCR to the screening date.

Approx. Cost of Compliance \$77

**TOTAL** \$84

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

**PUBLISHED** Compliance History Report for CN600862262, RN102673183, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN600862262, Eola Water Supply Corporation  
**Classification:** SATISFACTORY **Rating:** 15.00

**Regulated Entity:** RN102673183, Eola Water Supply Corporation  
**Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** Near the intersection of Farm-to-Market Road 765 and State Highway 381 in Eola, Concho County, Texas

**TCEQ Region:** REGION 08 - SAN ANGELO

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**0480011 **UTILITIES REGISTRATION** 10244 **WATER LICENSING LICENSE** 0480011

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

**Date Compliance History Report Prepared:** May 07, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 07, 2008 to May 07, 2013

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

**Name:** Michaelle Garza

**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: 05/12/2012 ADMINORDER 2011-1451-MLM-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate  
Citation: 30 TAC Chapter 288, SubChapter B 288.20(a)  
30 TAC Chapter 288, SubChapter C 288.30(5)(B)  
Description: Failure to provide a Drought Contingency Plan that sufficiently includes all of the minimum elements required by the rules.  
Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)  
5A THSC Chapter 341, SubChapter A 341.033(a)  
Description: Failed to operate the Facility by a licensed operator who holds a class "C" or higher groundwater license.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.39(d)(3)(C)  
Description: Failure to notify the TCEQ in writing upon completion of construction work.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description: Failure to provide an air vent for the well.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)  
Description: Failure to provide a liquid level indicator for the ground storage tank.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)

Description: Failure to provide a device to readily determine air-water-volume for a pressure tank that is greater than 1,000 gallon capacity.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

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

30 TAC Chapter 290, SubChapter F 290.110(c)(4)(D)

Description: Failed to keep on file and make available for Commission review, a record of water works operation and maintenance activities. Specifically, at the time of the investigation, it was documented that the following records were not available: disinfectant residual monitoring results from the distribution system, the amount of water treated each week, and the residual disinfectant concentration each time that a bacteriological sample is collected

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to maintain a copy of well completion data.

Classification: Minor

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

Description: Failure to calibrate the well meter at least once every three years.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(1)

Description: Failure to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)(6)

Description: Failure to include in the Monitoring Plan a description of well sampling for triggered coliform monitoring (in accordance with the Ground Water rule).

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

N/A

**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.

1	Date:	12/14/2012	(1077944)	CN600862262
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(a)(2) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:	NO3 AMCL PN 1Q2011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 1st quarter of 2011.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(a)(2) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:	NO3 AMCL PN 2Q2011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 2nd quarter of 2011.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(a)(2) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:	NO3 AMCL PN 3Q2011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 3rd quarter of 2011.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(a)(2) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:	NO3 AMCL PN 4Q2011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 4th quarter of 2011.		

2 Date: 03/05/2013 (1077944) CN600862262  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 1Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 1st quarter of 2012.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 2Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 2nd quarter of 2012.

3 Date: 03/26/2013 (1077944) CN600862262  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 3Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 3rd quarter of 2012.

**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  
EOLA WATER SUPPLY  
CORPORATION;  
RN102673183**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2013-0751-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. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 11, 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 Eola Water Supply Corporation ("Respondent").

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

### **FINDINGS OF FACT**

1. Respondent owns and operates a public water system located near the intersection of Farm-to-Market Road 765 and State Highway 381 in Eola, Concho County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 54 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, surrounds, 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 March 25, 2013, a TCEQ San Angelo 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. Specifically, Respondent did not provide a Drought Contingency Plan with clear descriptions of conditions that trigger each conservation stage and did not provide descriptions of the actions to be taken at each conservation stage;
  - b. Failed to notify the Executive Director in writing upon completion of all work. Specifically, Respondent did not notify the Executive Director of the relocation of the disinfection equipment that was completed in April 2011;
  - c. Failed to provide a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Specifically, Respondent did not reinstall the air vent on the well;
  - d. Failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations. Specifically, Respondent did not include in the Disinfectant Level Quarterly Operating Reports ("DLQORs") the

- residual disinfectant concentration that is measured when a bacteriological sample is collected;
- e. Failed to provide a copy of the well completion data;
  - f. Failed to calibrate the well flow meter at least once every three years; and
  - g. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan. Specifically, Respondent did not provide a monitoring plan for the Facility that included a description of well sampling for triggered coliform monitoring.
3. During an investigation conducted on March 25, 2013, a TCEQ Central Office investigator documented that Respondent:
- a. Failed to provide public notification regarding acute maximum contaminant level ("AMCL") violations for nitrate which occurred during the first and second quarters of 2011;
  - b. Failed to provide public notification regarding AMCL violations for nitrate which occurred during the third quarter of 2011 through the third quarter of 2012;
  - c. Failed to submit DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, Respondent failed to submit DLQORs for the fourth quarter of 2011 through the fourth quarter of 2012; and
  - d. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") for the year 2010 to each bill paying customer by July 1, 2011, and failed to submit to the TCEQ by July 1, 2011, a copy of the 2010 annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data.
4. Respondent received notice of the violations in Finding of Fact No. 2 on or about April 15, 2013, and received notice of the violations included in Finding of Fact No. 3 on or about May 8, 2013.
5. 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 Eola Water Supply Corporation" (the "EDPRP") in the TCEQ Chief Clerk's office on August 23, 2013.
6. By letter dated August 23, 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 August 30, 2013, as evidenced by the signature on the card.
7. 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) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.e.i.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to notify the Executive Director in writing upon completion of all work, in violation of 30 TEX. ADMIN. CODE § 290.39(d)(3)(C) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.a.ii.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.a.iii.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations, in violation of 30 TEX. ADMIN. CODE § 290.110(f)(1)(A).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide a copy of the well completion data, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.e.ii.
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to calibrate the well flow meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.a.vi.
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to develop and maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(b)(6) and TCEQ Agreed Order Docket No. 2011-1451-MLM-E, Ordering Provision No. 2.a.viii.
9. As evidenced by Finding of Fact No. 3.a., Respondent failed to provide public notification regarding AMCL violations for nitrate which occurred during the first and second quarters of 2011, in violation of 30 TEX. ADMIN. CODE § 290.122(a)(2).
10. As evidenced by Finding of Fact No. 3.b., Respondent failed to provide public notification regarding AMCL violations for nitrate which occurred during the third quarter of 2011 through the third quarter of 2012, in violation of 30 TEX. ADMIN. CODE § 290.122(a)(2).
11. As evidenced by Finding of Fact No. 3.c., Respondent failed to submit DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
12. As evidenced by Finding of Fact No. 3.d., Respondent failed to mail or directly deliver one copy of the CCR for the year 2010 to each bill paying customer by July 1, 2011, and failed to submit to the TCEQ by July 1, 2011, a copy of the 2010 annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
13. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE

§ 11.0842, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.104(b)(1).

14. As evidenced by Finding of Fact No. 7, 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.
15. Pursuant to 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.
16. An administrative penalty in the amount of seven thousand one hundred nineteen dollars (\$7,119.00) 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(c).
17. 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 seven thousand one hundred nineteen dollars (\$7,119.00) 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: Eola Water Supply Corporation; Docket No. 2013-0751-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 30 days after the effective date of this Order, Respondent shall:
    - i. Provide notification to the Executive Director of the completion of the relocation of the disinfection equipment, in accordance with 30 TEX. ADMIN. CODE § 290.39 (Finding of Fact No. 2.b.). The notification shall be submitted to:

Utilities Technical Review Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- ii. Provide the well with a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well, in accordance with 30 TEX. ADMIN. CODE § 290.41 (Finding of Fact No. 2.c.);
  - iii. Calibrate the well flow meter, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Finding of Fact No. 2.f.);
  - iv. Develop and maintain an up-to-date chemical and microbiological monitoring plan that includes a description of raw groundwater sampling to be conducted after a distribution coliform-positive result, as required by 30 TEX. ADMIN. CODE § 290.121 (Finding of Fact No. 2.g.);
  - v. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including submitting public notification regarding the AMCL violations for nitrate, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Findings of Fact Nos. 3.a. and 3.b.);
  - vi. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Finding of Fact No. 3.c.);
  - vii. Mail or directly deliver one copy of the CCR prepared by using the compliance monitoring data for the year 2012 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.274 (Finding of Fact No. 3.d.).
- b. Within 45 days after the effective date of this Order, Respondent shall:
- i. Submit written certification, as described in Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.vii.; and
  - ii. Submit to the TCEQ a copy of the CCR provided to customers of the Facility pursuant to Ordering Provision No. 3.a.vii., above, and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274 (Finding of Fact No. 3.d.). The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provision No. 3.b.ii.
- d. Within 90 days after the effective date of this Order, Respondent shall:
- i. Adopt a complete Drought Contingency Plan, in accordance with 30 TEX. ADMIN. CODE §§ 288.20 and 288.30 (Finding of Fact No. 2.a.), and submit the adopted plan to:  

Resource Protection Team  
Water Availability Division, MC 160  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - ii. Either provide a copy of the well completion data, including disinfection information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well, in accordance with 30 TEX. ADMIN. CODE § 290.46, or obtain an exception to the rule, in accordance with 30 TEX. ADMIN. CODE § 290.39 (Finding of Fact No. 2.e.). The exception request shall be submitted to:  

Technical Review and Oversight Team  
Public Drinking Water Section, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - iii. Begin to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations, including using all disinfectant residual monitoring results from sites designated on the monitoring plan when preparing DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Finding of Fact No. 2.d.); and
  - iv. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting (Finding of Fact No. 3.c.). DLQORs shall be submitted to:  

DLQOR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
- e. Within 105 days after the effective date of this Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.g.,

below, to demonstrate compliance with Ordering Provisions Nos. 3.d.i. through 3.d.iii.

- f. Within 285 days after the effective date of this Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provision No. 3.d.iv.
- g. 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 copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

with a copies to:

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

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. If Respondent fails to comply with Ordering Provision No. 3.d.i. in this Order within the prescribed schedule, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

7. 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.
8. 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.
9. 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.
10. 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 PHILLIP M. GOODWIN**

**STATE OF TEXAS**

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**COUNTY OF TRAVIS**

"My name is Phillip M. Goodwin. 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 Eola Water Supply Corporation" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on August 23, 2013.

The EDPRP was mailed to Respondent's last known address on August 23, 2013, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on August 30, 2013, as evidenced by the signature on the card.

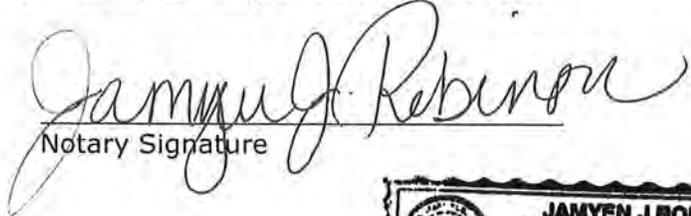
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



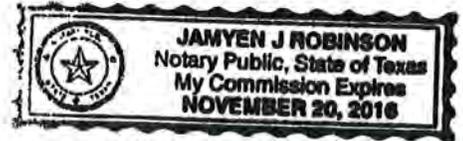
Phillip M. Goodwin, P.G., Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Phillip M. Goodwin, 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 25<sup>th</sup> day of October, A.D. 2013.



Notary Signature



Notary without Bond