

**Executive Summary – Enforcement Matter – Case No. 47490
Moore Water Supply Corporation
RN103014924
Docket No. 2013-1596-MWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Moore WSC WWTP, located at 3535 County Road 2537 (Moore Hollow Road), on a five-acre tract approximately 2,800 linear feet south and 1,500 linear feet east of the Missouri-Pacific Railroad crossing at 3rd Street, Moore, Frio County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 24, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,050

Amount Deferred for Expedited Settlement: \$2,610

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$10,440

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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RN103014924
Docket No. 2013-1596-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 1, 2013

Date(s) of NOE(s): August 15, 2013

Violation Information

1. Failed to comply with permitted effluent limits for total suspended solids and *E. coli* [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014239001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1)].
2. Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the monthly discharge monitoring report ("DMR") for the monitoring period ending April 30, 2013 by the 20th day of the following month [TPDES Permit No. WQ0014239001 Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d)].
3. Failed to submit effluent monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to report the results for chlorine residual monthly minimum and monthly maximum for the monitoring period ending November 30, 2012 [TPDES Permit No. WQ0014239001 Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE § 305.125(17)].
4. Failed to collect and analyze effluent samples at the required frequency. Specifically, the parameter for *E. coli* for the monitoring periods ending May 31, 2012 and August 31, 2012 were not collected. The Respondent reported on the DMR that samples were not collected for *E. coli* [TPDES Permit No. WQ0014239001 Monitoring and Reporting Requirements No. 3.a. and 30 TEX. ADMIN. CODE § 319.5(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Submit the DMR for the monitoring period ending April 30, 2013;

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- ii. 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 DMRs and that all effluent samples are collected and analyzed at the minimum required frequencies;
 - iii. Begin collecting and analyzing effluent samples at the required frequency; and
 - iv. Submit the chlorine residual results for the monitoring period ending November 30, 2012.
- b. Within 45 days, submit written certification of compliance with Order Provisions a.i through a.iv.
- c. Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014239001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Shelley Delgado, President, Moore Water Supply Corporation, P.O. Box 126, Moore, Texas 78057
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	19-Aug-2013	Screening	19-Aug-2013	EPA Due	
	PCW	26-Aug-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	Moore Water Supply Corporation
Reg. Ent. Ref. No.	RN103014924
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	5
Enf./Case ID No.	47490	Order Type	1660
Docket No.	2013-1596-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Cheryl Thompson
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$9,000
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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.

Compliance History	45.0% Enhancement	Subtotals 2, 3, & 7	\$4,050
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Notes: Enhancement for three months of self-reported effluent violations, two NOV's with same/similar violations, and one order with denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$943
Approx. Cost of Compliance	\$10,650

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,050
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$13,050
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,050
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,610
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,440
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Screening Date 19-Aug-2013

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PCW

Respondent Moore Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 47490

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103014924

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	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) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three months of self-reported effluent violations, two NOVs with same/similar violations, and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 19-Aug-2013

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PCW

Respondent Moore Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 47490

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103014924

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014239001, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)(1)

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on August 1, 2013. See attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	5.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 62

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

Violation Base Penalty \$1,250

One quarterly 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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$707

Violation Final Penalty Total \$1,813

This violation Final Assessed Penalty (adjusted for limits) \$1,813

Economic Benefit Worksheet

Respondent Moore Water Supply Corporation
Case ID No. 47490
Reg. Ent. Reference No. RN103014924
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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)	\$10,000	31-Dec-2012	31-May-2014	1.41	\$707	n/a	\$707

Notes for DELAYED costs

The estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. Date required is the first month of noncompliance. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$707

Screening Date 19-Aug-2013

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PCW

Respondent Moore Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 47490

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103014924

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s)

TPDES Permit No. WQ0014239001 Monitoring and Reporting Requirements No. 1, and 30 Tex. Admin. Code §§ 305.125(17) and 319.7(d)

Violation Description

Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the monthly discharge monitoring report ("DMR") for the monitoring period ending April 30, 2013 by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

91 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,250

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$1,813

This violation Final Assessed Penalty (adjusted for limits) \$1,813

Economic Benefit Worksheet

Respondent Moore Water Supply Corporation
Case ID No. 47490
Reg. Ent. Reference No. RN103014924
Media Water Quality
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	1-Aug-2013	31-Mar-2014	0.66	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-May-2013	31-Mar-2014	0.86	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to prepare and submit the missing DMR and to update the Facility's operational guidance and conduct employee training to ensure that all reporting requirements are properly accomplished and timely submitted. Dates required are the date the DMR was due and the date of the record review. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$275

TOTAL

\$9

Screening Date 19-Aug-2013

Docket No. 2013-1596-MWD-E

PCW

Respondent Moore Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 47490

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103014924

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s)

TPDES Permit No. WQ0014239001 Monitoring and Reporting Requirements No. 2, and 30 Tex. Admin. Code § 305.125(17)

Violation Description

Failed to submit effluent monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to report the results for chlorine residual monthly minimum and monthly maximum for the monitoring period ending November 30, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

242 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$250

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$363

This violation Final Assessed Penalty (adjusted for limits) \$363

Economic Benefit Worksheet

Respondent Moore Water Supply Corporation
Case ID No. 47490
Reg. Ent. Reference No. RN103014924
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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)	\$25	20-Dec-2012	31-Mar-2014	1.28	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit a revised DMR for November 2012 to include the missing chlorine residual parameters. Date required is the date the DMR was due. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$2

Screening Date 19-Aug-2013

Docket No. 2013-1596-MWD-E

PCW

Respondent Moore Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 47490

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103014924

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 4

Rule Cite(s) TPDES Permit No. WQ0014239001 Monitoring and Reporting Requirements No. 3.a. and 30 Tex. Admin. Code § 319.5(b)

Violation Description

Failed to collect and analyze effluent samples at the required frequency. Specifically, the samples for Escherichia coli ("E. coli") for the monitoring periods ending May 31, 2012 and August 31, 2012 were not collected. The Respondent reported on the DMR that samples were not taken for E. Coli.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

62 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$2,500

Two single events are recommended, one event for each month.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$225

Violation Final Penalty Total \$3,625

This violation Final Assessed Penalty (adjusted for limits) \$3,625

Economic Benefit Worksheet

Respondent Moore Water Supply Corporation
Case ID No. 47490
Reg. Ent. Reference No. RN103014924
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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)	\$150	1-Aug-2013	31-Mar-2014	0.66	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to begin collecting and analyzing effluent samples at the required frequency, and update guidance to ensure that self-reporting requirements are properly accomplished. Date required is the date of the record review.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$200	31-May-2012	31-Aug-2012	1.17	\$12	\$200	\$212

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze effluent samples at the required frequency. Date required is the date the first effluent sample was not for E.coli. The final date is the date the second effluent sample was not collected for E.coli.

Approx. Cost of Compliance

\$350

TOTAL

\$217

Screening Date 19-Aug-2013

Docket No. 2013-1596-MWD-E

PCW

Respondent Moore Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 47490

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103014924

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 5

Rule Cite(s)

TPDES Permit No. WQ0014239001, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on August 1, 2013. See attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or the environment, as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

28 Number of violation days

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

Violation Base Penalty \$3,750

One monthly event is recommended for the month of February 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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,438

This violation Final Assessed Penalty (adjusted for limits) \$5,438

Economic Benefit Worksheet

Respondent Moore Water Supply Corporation
Case ID No. 47490
Reg. Ent. Reference No. RN103014924
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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

See economic benefit for violation no. 1

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

\$0

TOTAL

\$0

MOORE WATER SUPPLY CORPORATION
 TPDES PERMIT NO. WQ0014239001; RN103014924
 DOCKET NO. 2013-1596-MWD-E; CASE NO. 47490

	<i>E. coli</i> Daily Average	<i>E. coli</i> Single Grab	TSS Daily Average Conc.	TSS Daily Average Conc.
Month/Year	126 CFU/100 ml	394 CFU/100 ml	15 mg/L	8.1 lbs/day
December 2012	c	c	21	c
January 2013	c	c	26	c
February 2013	811	2,419	34	8.7

mg/L = milligrams per liter
 lbs/day = pounds per day
E. coli = *Escherichia coli*
 Max. = maximum

TSS = total suspended solids
 CFU/100 ml = colony forming units per 100 milliliters
 c = compliant
 Conc. = concentration

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

Item 1	October 08, 2010	(921011)
Item 2	December 06, 2010	(921013)
Item 3	January 04, 2011	(904112)
Item 4	February 28, 2011	(910988)
Item 5	March 10, 2011	(918270)
Item 6	May 04, 2011	(930924)
Item 7	May 11, 2011	(939989)
Item 8	May 16, 2011	(930930)
Item 9	June 01, 2011	(947390)
Item 10	September 15, 2011	(967332)
Item 11	October 04, 2011	(973282)
Item 12	November 17, 2011	(979411)
Item 13	December 19, 2011	(986257)
Item 14	January 13, 2012	(992632)
Item 15	February 06, 2012	(999946)
Item 16	March 19, 2012	(1005480)
Item 17	April 11, 2012	(1012039)
Item 18	May 07, 2012	(1018432)
Item 19	June 12, 2012	(1026139)
Item 20	July 16, 2012	(1033497)
Item 21	August 06, 2012	(1040023)
Item 22	September 07, 2012	(1048993)
Item 23	January 17, 2013	(1070157)
Item 24	April 08, 2013	(1097692)
Item 25	June 11, 2013	(1112289)

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: 12/31/2012 (1083212)	CN600673271	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 01/31/2013 (1083211)	CN600673271	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 02/28/2013 (1023280)	CN600673271	
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)		
	Description: Failed to test the backflow prevention device (RPBA) annually. The backflow prevention device located at the wastewater treatment facility has not been tested since the facility's startup in July 2010.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failed to maintain compliance with the permitted effluent limits. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit of a maximum of 4 mg/L for chlorine residual. The result of the chlorine residual analysis was recorded at 7.7 ma/L.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 319, SubChapter A 319.4		
	Description: Failed to collect and analyze effluent samples at the required frequency. Specifically, E. coli samples have never been collected or analyzed since the wastewater treatment facility went online in July 2010.		
4	Date: 02/28/2013 (1091351)	CN600673271	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 03/19/2013 (1092258)	CN600673271	
	Self Report? NO	Classification: Moderate	

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17)		
Self Report?	NO	Classification:	Moderate

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MOORE WATER SUPPLY
CORPORATION
RN103014924**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1596-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Moore Water Supply Corporation ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 3535 County Road 2537 (Moore Hollow Road), on a five-acre tract approximately 2,800 linear feet south and 1,500 linear feet east of the Missouri-Pacific Railroad crossing at 3rd Street Moore, Frio County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 20, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirteen Thousand Fifty Dollars (\$13,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Four Hundred Forty Dollars (\$10,440) of the administrative penalty and Two Thousand Six Hundred Ten Dollars (\$2,610) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014239001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1), as documented during a record review conducted on August 1, 2013, and as shown in the table below:

	<i>E. coli</i> Daily Average	<i>E. coli</i> Single Grab	TSS Daily Average Conc.	TSS Daily Average Conc.
Month/Year	126 CFU/100 ml	394 CFU/100 ml	15 mg/L	8.1 lbs/day
December 2012	c	c	21	c
January 2013	c	c	26	c
February 2013	811	2,419	34	8.7

mg/L = milligrams per liter TSS = total suspended solids
 lbs/day = pounds per day CFU/100 ml = colony forming units per 100 milliliters
E. coli = *Escherichia coli* c = compliant
 Max. = maximum Conc. = concentration

2. Failed to submit monitoring results at the intervals specified in the permit, in violation of TPDES Permit No. WQ0014239001 Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), as documented during a record review conducted on August 1, 2013. Specifically, the Respondent failed to submit the monthly discharge monitoring report ("DMR") for the monitoring period ending April 30, 2013 by the 20th day of the following month.
3. Failed to submit effluent monitoring results at the intervals specified in the permit, in violation of TPDES Permit No. WQ0014239001 Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE § 305.125(17), as documented during a record review conducted on August 1, 2013. Specifically, the Respondent failed to report the results for chlorine residual monthly minimum and monthly maximum for the monitoring period ending November 30, 2012.
4. Failed to collect and analyze effluent samples at the required frequency, in violation of TPDES Permit No. WQ0014239001 Monitoring and Reporting Requirements No. 3.a. and 30 TEX. ADMIN. CODE § 319.5(b), as documented during a record review conducted on August 1, 2013. Specifically, the parameter for *Escherichia coli* ("*E. coli*") for the monitoring periods ending May 31, 2012 and August 31, 2012 were not collected. The Respondent reported on the DMR that samples were not collected for *E. coli*.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Moore Water Supply Corporation, Docket No. 2013-1596-MWD-E" to:

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

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

- a. Within 30 days after the effective date of this Agreed Order:

- i. Submit the DMR for the monitoring period ending April 30, 2013, in accordance with the requirements of TPDES Permit No. WQ0014239001 to:

Compliance Monitoring Team (MC 224)
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- ii. 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 DMRs and that all effluent samples are collected and analyzed at the minimum required frequencies, in accordance with TPDES Permit No. WQ0014239001;
 - iii. Begin collecting and analyzing effluent samples at the required frequency, in accordance with 30 TEX. ADMIN. CODE § 319.5; and
 - iv. Submit the chlorine residual results for the monitoring period ending November 30, 2012, in accordance with TPDES Permit No. WQ0014239001.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Order Provision Nos. 2.a.i through 2.a.iv, as described below in Ordering Provision No. 2.d;

- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014239001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitation; and
- d. The certifications required by Ordering Provision Nos. 2.b and 2.c shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

Moore Water Supply Corporation
DOCKET NO. 2013-1596-MWD-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Maritz

For the Executive Director

7/7/14

Date

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

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

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

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

Shelley Delgado

Signature

03/04/14

Date

Shelley Delgado

Name (Printed or typed)
Authorized Representative of
Moore Water Supply Corporation

President

Title

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