

**Executive Summary – Enforcement Matter – Case No. 38048**  
**BRANDON-IRENE WATER SUPPLY CORPORATION**  
**RN101437325**  
**Docket No. 2013-2106-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

PWS

**Small Business:**

Yes

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

Brandon-Irene WSC, located at the intersection of Farm-to-Market Road 1243 and County Road 3412, Hill County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 14, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$4,870

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$4,870

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** \$5.00

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 38048**  
**BRANDON-IRENE WATER SUPPLY CORPORATION**  
**RN101437325**  
**Docket No. 2013-2106-PWS-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** January 24, 2007, November 23, 2010 and September 17, 2013

**Date(s) of NOE(s):** November 12, 2013

***Violation Information***

1. Failed to ensure that all clear wells, ground storage tanks ("GSTs"), stand pipes and elevated tanks are painted, disinfected and maintained in strict accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].
2. Failed to obtain an exception, in accordance with 30 TEX. ADMIN. CODE § 290.39(l), prior to using any primary disinfectant other than chlorine [30 TEX. ADMIN. CODE § 290.42(e)(3)(G)].
3. Failed to provide emergency power that will deliver water at a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-1242-PWS-E, Ordering Provision No. 2.a.].
4. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].
5. Failed to inspect the GSTs annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
6. Failed to inspect the pressure tanks annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following:

- a. On September 23, 2013, conducted the annual inspections of the two GSTs and the two pressure tanks; and
- b. On November 14, 2013, provided a back-up generator as an emergency power source.

**Technical Requirements:**

The Order will require the Respondent to:

**Executive Summary – Enforcement Matter – Case No. 38048**  
**BRANDON-IRENE WATER SUPPLY CORPORATION**  
**RN101437325**  
**Docket No. 2013-2106-PWS-E**

- a. Within 90 days, obtain approval from the Executive Director for the use of chloramines as a primary disinfectant;
- b. Within 105 days, submit written certification demonstrating compliance with Ordering Provision a.
- c. Within 180 days:
  - i. Refurbish or replace the GST at Plant No. 1 so that the interior and exterior meet AWWA standards; and
  - ii. Initiate maintenance and good housekeeping practices at the Facility, including but not limited to, refurbishing or replacing the pressure tank at Plant No. 1.
- d. Within 195 days, submit written certification demonstrating compliance with Ordering Provision c.i. and c.ii.

***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:** Katy Montgomery, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4016; Candy Garrett, Enforcement Division, MC 219, (512) 239-1453  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Jimmy Lehmann, President, BRANDON-IRENE WATER SUPPLY CORPORATION, P.O. Box 1058, Hillsboro, Texas 76645  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	12-Nov-2013	<b>Screening</b>	20-Nov-2013	<b>EPA Due</b>	
	<b>PCW</b>	6-Jan-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	BRANDON-IRENE WATER SUPPLY CORPORATION
<b>Reg. Ent. Ref. No.</b>	RN101437325
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	38048	<b>No. of Violations</b>	4
<b>Docket No.</b>	2013-2106-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Katy Montgomery
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$4,050</b>
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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>	20.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$810</b>
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Notes: Enhancement for one agreed order with a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$375</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$53,331
Approx. Cost of Compliance	\$160,230

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$4,485</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$4,485</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$4,485</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$4,485</b>
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**Screening Date** 20-Nov-2013

**Docket No.** 2013-2106-PWS-E

**PCW**

**Respondent** BRANDON-IRENE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

**Case ID No.** 38048

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101437325

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Katy Montgomery

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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)** 20%

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

N/A

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

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

N/A

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

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one agreed order with a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

Screening Date 20-Nov-2013

Docket No. 2013-2106-PWS-E

PCW

Respondent BRANDON-IRENE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 38048

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101437325

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(8)

Violation Description Failed to ensure that all clear wells, ground storage tanks ("GSTs"), stand pipes and elevated tanks are painted, disinfected and maintained in strict accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigations conducted on January 24, 2007, November 23, 2010 and September 17, 2013, it was documented that the GST at Plant No. 1 had excessive rust.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes Failure to maintain the GST in accordance with AWWA standards could allow significant amounts of contaminants to enter the water supply that would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 64

Table for event frequency: daily, weekly, monthly, quarterly (marked with x), semiannual, annual, single event.

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, September 17, 2013, to the screening date, November 20, 2013.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32,451

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

# Economic Benefit Worksheet

**Respondent** BRANDON-IRENE WATER SUPPLY CORPORATION  
**Case ID No.** 38048  
**Reg. Ent. Reference No.** RN101437325  
**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)				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)	\$83,500	24-Jan-2007	31-Oct-2014	7.77	\$32,451	n/a	\$32,451

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to paint the exterior of the GST located at Plant No. 1 (\$1.67 per gallon x 50,000 gallons), calculated from the date the violation was initially documented to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$83,500

**TOTAL**

\$32,451

Screening Date 20-Nov-2013 Docket No. 2013-2106-PWS-E

PCW

Respondent BRANDON-IRENE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 38048

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101437325

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(3)(G)

Violation Description

Failed to obtain an exception, in accordance with 30 Tex. Admin. Code § 290.39(l), prior to using any primary disinfectant other than chlorine. Specifically, at the time of investigations conducted on November 23, 2010 and September 17, 2013, it was documented that the Respondent purchases chloraminated water from the Aquilla Water Supply District which is then supplied to the Respondent's customers without having obtained an exception to the rule requirement.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 64

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

# Economic Benefit Worksheet

**Respondent** BRANDON-IRENE WATER SUPPLY CORPORATION  
**Case ID No.** 38048  
**Reg. Ent. Reference No.** RN101437325  
**Media** Public Water Supply  
**Violation No.** 2

<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
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No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	23-Nov-2010	31-Jul-2014	3.69	\$1	\$12	\$13
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 an exception for the use of chloramines as a primary disinfectant, calculated from the investigation date initially documenting the violation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$13

Screening Date 20-Nov-2013

Docket No. 2013-2106-PWS-E

PCW

Respondent BRANDON-IRENE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 38048

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101437325

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(D)(v), Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-1242-PWS-E, Ordering Provision No. 2.a.

Violation Description

Failed to provide emergency power that will deliver water at a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply. Specifically, it was documented that the Respondent failed to provide an emergency power source, such as a back-up generator, which is required for facilities that have no elevated storage and serve 250 or more service connections.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without emergency power, customers of the Facility could be exposed to contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 15

1361 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

Fifteen quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-1242-PWS-E, February 22, 2010, to the date of compliance (compliance date), November 14, 2013.

Good Faith Efforts to Comply

10.0% Reduction

\$375

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

Notes

The Respondent achieved compliance on November 14, 2013.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18,271

Violation Final Penalty Total \$4,125

This violation Final Assessed Penalty (adjusted for limits) \$4,125

# Economic Benefit Worksheet

**Respondent** BRANDON-IRENE WATER SUPPLY CORPORATION  
**Case ID No.** 38048  
**Reg. Ent. Reference No.** RN101437325  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$70,000	22-Feb-2010	14-Nov-2013	3.73	\$870	\$17,401	\$18,271
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the actual amount to purchase an emergency power source which would provide a minimum of 0.35 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-1242-PWS-E, to the 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

\$70,000

**TOTAL**

\$18,271

Screening Date 20-Nov-2013

Docket No. 2013-2106-PWS-E

PCW

Respondent BRANDON-IRENE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 38048

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101437325

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 4

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

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigations conducted on January 24, 2007, November 23, 2010 and September 17, 2013, it was documented that the pressure tank at Plant No. 1 had excessive rust.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to maintain the good working condition and general appearance of the Facility's equipment could expose the customers to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 64

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

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, September 17, 2013, to the screening date, November 20, 2013.

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,596

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

# Economic Benefit Worksheet

**Respondent** BRANDON-IRENE WATER SUPPLY CORPORATION  
**Case ID No.** 38048  
**Reg. Ent. Reference No.** RN101437325  
**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	Overtime 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)	\$6,680	24-Jan-2007	31-Oct-2014	7.77	\$2,596	n/a	\$2,596

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to paint the exterior of the pressure tank located at Plant No. 1 (\$1.67 per gallon x 4,000 gallons), calculated from the date the violation was initially documented to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$6,680

**TOTAL**

\$2,596



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

<b>DATES</b>	<b>Assigned</b>	12-Nov-2013	<b>Screening</b>	20-Nov-2013	<b>EPA Due</b>	
	<b>PCW</b>	6-Jan-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	BRANDON-IRENE WATER SUPPLY CORPORATION
<b>Reg. Ent. Ref. No.</b>	RN101437325
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	38048	<b>No. of Violations</b>	2
<b>Docket No.</b>	2013-2106-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Katy Montgomery
		<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**

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

**Notes**

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

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

Total EB Amounts	\$125
Approx. Cost of Compliance	\$164

\*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** 20-Nov-2013

**Docket No.** 2013-2106-PWS-E

**PCW**

**Respondent** BRANDON-IRENE WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

**Case ID No.** 38048

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN101437325

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Katy Montgomery

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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)** 20%

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

N/A

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

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

N/A

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

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one agreed order with a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 20%

Screening Date 20-Nov-2013

Docket No. 2013-2106-PWS-E

PCW

Respondent BRANDON-IRENE WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 38048

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101437325

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description Failed to inspect the ground storage tanks ("GSTs") annually. Specifically, at the time of the September 17, 2013 investigation, it was documented that the Facility's two GSTs had not been inspected since January 1, 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to inspect the GST on an annual basis could cause non-detection of defects and could expose customers of the Facility to a significant amount of contaminants, which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 Number of violation days 6

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

Violation Base Penalty \$100

Two annual events are recommended (one for each tank).

Good Faith Efforts to Comply

25.0% Reduction \$25

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

Notes The Respondent achieved compliance on September 23, 2013.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63

Violation Final Penalty Total \$95

This violation Final Assessed Penalty (adjusted for limits) \$100

# Economic Benefit Worksheet

**Respondent** BRANDON-IRENE WATER SUPPLY CORPORATION  
**Case ID No.** 38048  
**Reg. Ent. Reference No.** RN101437325  
**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)				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	\$82	1-Jan-2013	23-Sep-2013	0.73	\$3	\$60	\$63
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary to conduct an inspection of the Facility's two GSTs (\$41 per inspection), calculated from the due date of the inspection to the date of compliance.

Approx. Cost of Compliance

\$82

**TOTAL**

\$63

Screening Date 20-Nov-2013

Docket No. 2013-2106-PWS-E

PCW

Respondent BRANDON-IRENE WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 38048

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101437325

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description

Failed to inspect the pressure tanks annually. Specifically, at the time of the September 17, 2013 investigation, it was documented that the Facility's two pressure tanks had not been inspected since January 1, 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes

Failure to inspect the pressure tanks on an annual basis could cause non-detection of defects and could expose customers of the Facility to contaminants which would exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2 Number of violation days 6

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

Violation Base Penalty \$300

Two annual events are recommended (one for each tank).

Good Faith Efforts to Comply

25.0% Reduction

\$75

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

Notes

The Respondent achieved compliance on September 23, 2013.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63

Violation Final Penalty Total \$285

This violation Final Assessed Penalty (adjusted for limits) \$285

# Economic Benefit Worksheet

**Respondent** BRANDON-IRENE WATER SUPPLY CORPORATION  
**Case ID No.** 38048  
**Reg. Ent. Reference No.** RN101437325  
**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				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	\$82	1-Jan-2013	23-Sep-2013	0.73	\$3	\$60	\$63
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary to conduct inspections of the Facility's pressure tanks (\$41 per inspection), calculated from the due date of the inspection to the date of compliance.

Approx. Cost of Compliance

\$82

**TOTAL**

\$63

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.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600656615, RN101437325, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600656615, BRANDON-IRENE WATER SUPPLY CORPORATION      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Regulated Entity:** RN101437325, BRANDON IRENE WSC      **Classification:** NOT APPLICABLE      **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** INTERSECTION OF FARM-TO-MARKET ROAD 1243 AND COUNTY ROAD 3412, HILL COUNTY, TEXAS

**TCEQ Region:** REGION 09 - WACO

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1090018

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** November 20, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 20, 2008 to November 20, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Katy Montgomery      **Phone:** (210) 403-4016

### 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: 02/22/2010      ADMINORDER 2009-1242-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(v)  
Description: Failure to provide emergency power.

#### **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.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



that has approximately 694 service connections and serves at least 25 people per day for at least 60 days per year.

2. During investigations conducted on January 24, 2007, November 23, 2010 and September 17, 2013, TCEQ staff documented that the ground storage tank ("GST") at Plant No. 1 had excessive rust.
3. During investigations conducted on November 23, 2010 and September 17, 2013, TCEQ staff documented that the Respondent purchases chloraminated water from the Aquilla Water Supply District which is then supplied to the Respondent's customers without having obtained an exception to the rule requirement.
4. During an investigation conducted on September 17, 2013, TCEQ staff documented that the Respondent failed to provide an emergency power source, such as a back-up generator, which is required for facilities that have no elevated storage and serve 250 or more service connections.
5. During investigations conducted on January 24, 2007, November 23, 2010 and September 17, 2013, TCEQ staff documented that the pressure tank at Plant No. 1 had excessive rust.
6. During an investigation conducted on September 17, 2013, TCEQ staff documented that the Facility's two GSTs had not been inspected since January 1, 2012.
7. During an investigation conducted on September 17, 2013, TCEQ staff documented that the Facility's two pressure tanks had not been inspected since January 1, 2012.
8. The Respondent received notice of the violations on November 13, 2013.
9. The Executive Director recognizes that the Respondent has implemented the following corrective actions at the Facility:
  - a. On September 23, 2013, conducted the annual inspections of the two GSTs and the two pressure tanks; and
  - b. On November 14, 2013, provided a back-up generator as an emergency power source.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to ensure that all clear wells, GSTs, stand pipes and elevated tanks are painted, disinfected and maintained in

strict accordance with American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).

3. As evidenced by Findings of Fact No. 3, the Respondent failed to obtain an exception, in accordance with 30 TEX. ADMIN. CODE § 290.39(l), prior to using any primary disinfectant other than chlorine, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3)(G).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide emergency power that will deliver water at a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2009-1242-PWS-E, Ordering Provision No. 2.a.
5. As evidenced by Findings of Fact No. 5, the Respondent failed to to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to inspect the GSTs annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to inspect the pressure tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).
8. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of Four Thousand Eight Hundred Seventy Dollars (\$4,870) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Four Thousand Eight Hundred Seventy Dollar (\$4,870) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Four Thousand Eight Hundred Seventy Dollars (\$4,870) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this

Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BRANDON-IRENE WATER SUPPLY CORPORATION, Docket No. 2013-2106-PWS-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. The Respondent shall undertake the following technical requirements:
  - a. Within 90 days after the effective date of this Agreed Order, obtain approval from the Executive Director for the use of chloramines as a primary disinfectant pursuant to 30 TEX. ADMIN. CODE § 290.39(l), in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - b. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;
  - c. Within 180 days after the effective date of this Agreed Order:
    - i. Refurbish or replace the GST at Plant No. 1 so that the interior and exterior meet AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
    - ii. Initiate maintenance and good housekeeping practices at the Facility, including but not limited to, refurbishing or replacing the pressure tank at Plant No. 1, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i. and 2.c.ii. 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  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. 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.

8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Ramona M. ...*  
\_\_\_\_\_  
For the Executive Director

5/26/14  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of BRANDON-IRENE WATER SUPPLY CORPORATION. I am authorized to agree to the attached Agreed Order on behalf of BRANDON-IRENE WATER SUPPLY CORPORATION, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, BRANDON-IRENE WATER SUPPLY CORPORATION waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

*Jimmy Lehman*  
\_\_\_\_\_  
Signature

2/14/2014  
\_\_\_\_\_  
Date

*Jimmy Lehman*  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
BRANDON-IRENE 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 III, Paragraph 1 of this Agreed Order.