

**Executive Summary – Enforcement Matter – Case No. 48147**  
**ROWENA WATER SUPPLY CORPORATION**  
**RN101450757**  
**Docket No. 2014-0088-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

No

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

ROWENA WATER SUPPLY CORPORATION, 401 Victor Street, Rowena, Runnels 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:** May 23, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,281

**Amount Deferred for Expedited Settlement:** \$1,281

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

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

**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:** N/A

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

**Executive Summary – Enforcement Matter – Case No. 48147**  
**ROWENA WATER SUPPLY CORPORATION**  
**RN101450757**  
**Docket No. 2014-0088-PWS-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** October 7, 2013

**Date(s) of NOE(s):** January 10, 2014

***Violation Information***

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter for total trihalomethanes ("TTHM") based on the running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent transitioned from Stage 1 Disinfectant Byproduct monitoring to Stage 2 Disinfectant Byproduct monitoring on October 1, 2013.

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 90 days, begin negotiating a water purchase contract that will enable the Facility to comply with the MCL for TTHM within 1,095 days.

b. Within 105 days, submit written certification to demonstrate compliance with Ordering Provision a.

c. Within 1,095 days:

i. Return to compliance with the running annual average MCL for TTHM; or

ii. Return to compliance with the locational running annual average MCL for TTHM.

d. Within 1,110 days, submit written certification to demonstrate compliance with Ordering Provision c.i. or c.ii.

In lieu of Ordering Provisions a. through d.:

e. Within 120 days, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the MCL for TTHM. The report shall include a tentative schedule describing additional studies, tests, or

**Executive Summary – Enforcement Matter – Case No. 48147**  
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other methods that may be utilized for the completion of necessary corrective actions within 1,095 days. If the Respondent purchases or sells water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study.

f. Within 135 days, submit written certification to demonstrate compliance with Ordering Provision e.

g. Within 180 days, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology.

h. Within 180 days, and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the MCL for TTHM.

i. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision g.

j. Within 1,095 days:

i. Return to compliance with the running annual average MCL for TTHM; or

ii. Return to compliance with the locational running annual average MCL for TTHM.

k. Within 1,110 days, submit written certification to demonstrate compliance with Ordering Provision j.i. or j.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

**Executive Summary – Enforcement Matter – Case No. 48147**  
**ROWENA WATER SUPPLY CORPORATION**  
**RN101450757**  
**Docket No. 2014-0088-PWS-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Lisa Westbrook, Enforcement Division,  
Enforcement Team 2, MC 169, (512) 239-1160; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Billy R. Lange, Operator / Vice President, ROWENA WATER SUPPLY  
CORPORATION, P.O. Box 125, Rowena, Texas 76875  
Mark Irby, Director, ROWENA WATER SUPPLY CORPORATION, P.O. Box 125,  
Rowena, Texas 76875

**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> | 13-Jan-2014 | <b>Screening</b> | 17-Jan-2014 | <b>EPA Due</b> | 31-Dec-2009 |
|              | <b>PCW</b>      | 12-Feb-2014 |                  |             |                |             |

|                                        |                                 |
|----------------------------------------|---------------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                                 |
| <b>Respondent</b>                      | ROWENA WATER SUPPLY CORPORATION |
| <b>Reg. Ent. Ref. No.</b>              | RN101450757                     |
| <b>Facility/Site Region</b>            | 3-Abilene                       |
| <b>Major/Minor Source</b>              | Minor                           |

|                                        |                     |                              |                    |
|----------------------------------------|---------------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                     | <b>No. of Violations</b>     | 1                  |
| <b>Enf./Case ID No.</b>                | 48147               | <b>Order Type</b>            | Findings           |
| <b>Docket No.</b>                      | 2014-0088-PWS-E     | <b>Government/Non-Profit</b> | Yes                |
| <b>Media Program(s)</b>                | Public Water Supply | <b>Enf. Coordinator</b>      | Lisa Westbrook     |
| <b>Multi-Media</b>                     |                     | <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>\$750</b> |
|-------------------------------------------------------------|-------------------|--------------|

### 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> | 22.0% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | <b>\$165</b> |
|---------------------------|-------------------|--------------------------------|--------------|

Notes

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

|                    |    |                  |                   |            |
|--------------------|----|------------------|-------------------|------------|
| <b>Culpability</b> | No | 0.0% Enhancement | <b>Subtotal 4</b> | <b>\$0</b> |
|--------------------|----|------------------|-------------------|------------|

Notes

The Respondent does not meet the culpability criteria.

|                                                      |                   |            |
|------------------------------------------------------|-------------------|------------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | <b>\$0</b> |
|------------------------------------------------------|-------------------|------------|

|                         |                   |                   |            |
|-------------------------|-------------------|-------------------|------------|
| <b>Economic Benefit</b> | 0.0% Enhancement* | <b>Subtotal 6</b> | <b>\$0</b> |
|-------------------------|-------------------|-------------------|------------|

|                            |          |
|----------------------------|----------|
| Total EB Amounts           | \$14,595 |
| Approx. Cost of Compliance | \$25,000 |

\*Capped at the Total EB \$ Amount

|                             |                       |              |
|-----------------------------|-----------------------|--------------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | <b>\$915</b> |
|-----------------------------|-----------------------|--------------|

|                                             |      |                   |            |
|---------------------------------------------|------|-------------------|------------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0% | <b>Adjustment</b> | <b>\$0</b> |
|---------------------------------------------|------|-------------------|------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

|                             |              |
|-----------------------------|--------------|
| <b>Final Penalty Amount</b> | <b>\$915</b> |
|-----------------------------|--------------|

|                                   |                               |              |
|-----------------------------------|-------------------------------|--------------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | <b>\$915</b> |
|-----------------------------------|-------------------------------|--------------|

|                 |                |                   |            |
|-----------------|----------------|-------------------|------------|
| <b>DEFERRAL</b> | 0.0% Reduction | <b>Adjustment</b> | <b>\$0</b> |
|-----------------|----------------|-------------------|------------|

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>\$915</b> |
|------------------------|--------------|

**Screening Date** 17-Jan-2014

**Docket No.** 2014-0088-PWS-E

**PCW**

**Respondent** ROWENA WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

**Case ID No.** 48147

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101450757

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Lisa Westbrook

**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> )                                                                            | 4                 | 20%     |
|                               | Other written NOVs                                                                                                                                                                                                                     | 1                 | 2%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )                                                                                                                      | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government                                        | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )                                                                                                                                           | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )                                                                                                                                                                         | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )                                                | 0                 | 0%      |
| <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)** 22%

>> **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 four NOVs with same/similar violations and one NOV with dissimilar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 22%

Screening Date 17-Jan-2014

Docket No. 2014-0088-PWS-E

PCW

Respondent ROWENA WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 48147

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101450757

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the running annual average. Specifically, at the time of the record review, it was documented that the running annual average concentrations for TTHM were 0.224 mg/L for the first quarter of 2009, 0.189 mg/L for the second quarter of 2009, 0.199 mg/L for the third quarter of 2009, 0.201 mg/L for the fourth quarter of 2009, 0.211 mg/L for the first quarter of 2010, 0.274 mg/L for the second quarter of 2010, 0.260 mg/L for the third quarter of 2010, 0.318 mg/L for the fourth quarter of 2010, 0.353 mg/L for the first quarter of 2011, 0.390 mg/L for the second quarter of 2011, 0.398 mg/L for the third quarter of 2011, and 0.402 mg/L for the fourth quarter of 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%).

>> Programmatic Matrix

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

Matrix Notes Exceeding the MCL for TTHM, based on the running annual average, has exposed customers of the Facility to a significant amount of pollutants which do not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 Number of violation days 1094

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

Violation Base Penalty \$750

Three annual events are recommended.

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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14,595

Violation Final Penalty Total \$915

This violation Final Assessed Penalty (adjusted for limits) \$915

# Economic Benefit Worksheet

**Respondent** ROWENA WATER SUPPLY CORPORATION  
**Case ID No.** 48147  
**Reg. Ent. Reference No.** RN101450757  
**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)        | \$25,000 | 31-Mar-2009 | 31-Jul-2017 | 8.34 | \$695 | \$13,900 | \$14,595 |
| 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 for the Facility to investigate, identify and implement the necessary corrective actions to return to compliance with the running annual average for TTHM, calculated from the last day of the first quarter of noncompliance 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

\$25,000

**TOTAL**

\$14,595



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

|              |                 |             |                  |             |                |             |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| <b>DATES</b> | <b>Assigned</b> | 13-Jan-2014 | <b>Screening</b> | 17-Jan-2014 | <b>EPA Due</b> | 31-Dec-2009 |
|              | <b>PCW</b>      | 23-Jan-2014 |                  |             |                |             |

|                                        |                                 |
|----------------------------------------|---------------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                                 |
| <b>Respondent</b>                      | ROWENA WATER SUPPLY CORPORATION |
| <b>Reg. Ent. Ref. No.</b>              | RN101450757                     |
| <b>Facility/Site Region</b>            | 3-Abilene                       |
| <b>Major/Minor Source</b>              | Minor                           |

|                                        |                     |                              |                    |
|----------------------------------------|---------------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                     |                              |                    |
| <b>Enf./Case ID No.</b>                | 48147               | <b>No. of Violations</b>     | 1                  |
| <b>Docket No.</b>                      | 2014-0088-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>      | Lisa Westbrook     |
|                                        |                     | <b>EC's Team</b>             | Enforcement Team 2 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$50                | <b>Maximum</b>               | \$1,000            |

## Penalty Calculation Section

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

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

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

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

Notes: Enhancement for four NOVs with same/similar violations and one NOV with dissimilar violations.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts    
 Approx. Cost of Compliance    
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

**Screening Date** 17-Jan-2014

**Docket No.** 2014-0088-PWS-E

**PCW**

**Respondent** ROWENA WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

**Case ID No.** 48147

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN101450757

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Lisa Westbrook

### 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> )                                                                            | 4                 | 20%     |
|                               | Other written NOVs                                                                                                                                                                                                                     | 1                 | 2%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )                                                                                                                      | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government                                        | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )                                                                                                                                           | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )                                                                                                                                                                         | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )                                                | 0                 | 0%      |
| <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)** 22%

>> **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 four NOVs with same/similar violations and one NOV with dissimilar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 22%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 22%

Screening Date 17-Jan-2014

Docket No. 2014-0088-PWS-E

PCW

Respondent ROWENA WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 48147

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101450757

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.113(F)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the running annual average. Specifically, at the time of the record review, it was documented that the running annual average concentrations for TTHM were 0.430 mg/L for the first quarter of 2012, 0.424 mg/L for the second quarter of 2012, 0.552 mg/L for the third quarter of 2012, 0.471 mg/L for the fourth quarter of 2012, 0.387 mg/L for the first quarter of 2013, 0.304 mg/L for the second quarter of 2013, and 0.176 mg/L for the third quarter of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes Exceeding the MCL for TTHM, based on the running annual average, has exposed customers of the Facility to a significant amount of pollutants which do not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2 640 Number of violation days

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

Violation Base Penalty \$300

Two annual events are recommended.

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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$366

This violation Final Assessed Penalty (adjusted for limits) \$366

# Economic Benefit Worksheet

**Respondent** ROWENA WATER SUPPLY CORPORATION  
**Case ID No.** 48147  
**Reg. Ent. Reference No.** RN101450757  
**Media** Public Water Supply  
**Violation No.** 1

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

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

No commas or \$

### Delayed Costs

| Item Description         | Item Cost | Date Required | Final Date | Yrs  | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Equipment                | 0.00      |               |            | 0.00 | \$0            | \$0           | \$0       |
| Buildings                | 0.00      |               |            | 0.00 | \$0            | \$0           | \$0       |
| Other (as needed)        | 0.00      |               |            | 0.00 | \$0            | \$0           | \$0       |
| Engineering/construction | 0.00      |               |            | 0.00 | \$0            | \$0           | \$0       |
| Land                     | 0.00      |               |            | 0.00 | \$0            | n/a           | \$0       |
| Record Keeping System    | 0.00      |               |            | 0.00 | \$0            | n/a           | \$0       |
| Training/Sampling        | 0.00      |               |            | 0.00 | \$0            | n/a           | \$0       |
| Remediation/Disposal     | 0.00      |               |            | 0.00 | \$0            | n/a           | \$0       |
| Permit Costs             | 0.00      |               |            | 0.00 | \$0            | n/a           | \$0       |
| Other (as needed)        | 0.00      |               |            | 0.00 | \$0            | n/a           | \$0       |

Notes for DELAYED costs

The delayed costs of compliance are captured in the Economic Benefit for Violation No. 1 in the Revision 2 PCW.

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

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 CN600663819, RN101450757, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600663819, ROWENA WATER SUPPLY CORPORATION **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN101450757, ROWENA WATER SUPPLY CORPORATION **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 401 VICTOR STREET, ROWENA, RUNNELS COUNTY, TEXAS

**TCEQ Region:** REGION 03 - ABILENE

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 2000004

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

**Date Compliance History Report Prepared:** January 16, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 16, 2009 to January 16, 2014

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

**Name:** Lisa Westbrook

**Phone:** (512) 239-1160

### 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:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1      April 09, 2010      (798237)

**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: 01/22/2013 (1001757) CN600663819  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 4Q2012 - The system violated the maximum contaminant level for trihalomethanes during the 4th quarter of 2012 with a RAA of 0.471 mg/L.
- 2 Date: 02/27/2013 (1001757) CN600663819  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 1Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2013 with a RAA of 0.387 mg/L.
- 3 Date: 03/07/2013 (1059862) CN600663819  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)  
Description: Failure to calibrate the manual disinfectant residual analyzer once every 90 days.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
Description: Failure to provide a hinged lid for the ground storage tank overflow that is gapped at 1/16" or less.
- 4 Date: 05/28/2013 (1001757) CN600663819  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 2Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 2nd quarter of 2013 with a RAA of 0.304 mg/L.
- 5 Date: 12/03/2013 (1001757) CN600663819  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 3Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2013 with a RAA of 0.176 mg/L.

**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

## Component Appendices

### Appendix A

#### All NOVs Issued During Component Period 1/16/2009 and 1/16/2014

- 1 Date: 05/15/2009 (1001757) CN600663819  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 1Q2009 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2009 with a RAA of 0.224 mg/L.
- 2 Date: 08/21/2009 (1001757) CN600663819  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 2Q2009 - The system violated the maximum contaminant level for trihalomethanes during the 2nd quarter of 2009 with a RAA of 0.189 mg/L.
- 3 Date: 11/16/2009 (1001757) CN600663819  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 3Q2009 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2009 with a RAA of 0.199 mg/L.
- 4 Date: 02/23/2010 (1001757) CN600663819  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 4Q2009 - The system violated the maximum contaminant level for trihalomethanes during the 4th quarter of 2009 with a RAA of 0.201 mg/L.
- 5 Date: 04/28/2010 (1001757) CN600663819  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 1Q2010 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2010 with a RAA of 0.211 mg/L.
- 6 Date: 08/20/2010 (1001757) CN600663819  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 2Q2010 - The system violated the maximum contaminant level for trihalomethanes during the 2nd quarter of 2010 with a RAA of 0.274 mg/L.
- 7 Date: 12/20/2010 (1001757) CN600663819  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 3Q2010 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2010 with a RAA of 0.260 mg/L.
- 8 Date: 09/14/2011 (1001757) CN600663819  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 2Q2011 - The system violated the maximum contaminant level for trihalomethanes during the 2nd quarter of 2011 with a RAA of 0.390 mg/L.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 1Q2011 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2011 with a RAA of 0.353 mg/L.

9 Date: 12/27/2011 (1001757) CN600663819  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 3Q2011 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2011 with a RAA of 0.398 mg/L.

10 Date: 03/28/2012 (1001757) CN600663819  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 4Q2011 - The system violated the maximum contaminant level for trihalomethanes during the 4th quarter of 2011 with a RAA of 0.402 mg/L.

11 Date: 05/04/2012 (1001757) CN600663819  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 1Q2012 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2012 with a RAA of 0.430 mg/L.

12 Date: 07/09/2012 (1001757) CN600663819  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 2Q2012 - The system violated the maximum contaminant level for trihalomethanes during the 2nd quarter of 2012 with a RAA of 0.424 mg/L.

13\* Date: 10/04/2012 (1001757) CN600663819  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 3Q2012 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2012 with a RAA of 0.552 mg/L.

14\* Date: 01/22/2013 (1001757) CN600663819  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 4Q2012 - The system violated the maximum contaminant level for trihalomethanes during the 4th quarter of 2012 with a RAA of 0.471 mg/L.

15\* Date: 02/27/2013 (1001757) CN600663819  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 1Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2013 with a RAA of 0.387 mg/L.

16\* Date: 03/07/2013 (1059862) CN600663819  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)  
Description: Failure to calibrate the manual disinfectant residual analyzer once every 90 days.  
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
Description: Failure to provide a hinged lid for the ground storage tank overflow that is gapped at 1/16" or less.

17\* Date: 05/28/2013 (1001757) CN600663819  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 2Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 2nd quarter of 2013 with a RAA of 0.304 mg/L.

18 Date: 12/03/2013 (1001757) CN600663819  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 3Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2013 with a RAA of 0.176 mg/L.

\* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

## Appendix B

### All Investigations Conducted During Component Period January 16, 2009 and January 16, 2014

(798237)  
Item 1\* April 09, 2010\*\* For Informational Purposes Only  
(1059862)  
Item 2 March 07, 2013\*\* For Informational Purposes Only  
(1077767)  
Item 3 April 10, 2013\*\* For Informational Purposes Only  
(1001757)  
Item 4 January 06, 2014 For Informational Purposes Only  
(1140196)  
Item 5 January 10, 2014 For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ROWENA WATER SUPPLY  
CORPORATION  
RN101450757

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

**AGREED ORDER**  
**DOCKET NO. 2014-0088-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ROWENA WATER SUPPLY CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

### I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 401 Victor Street in Rowena, Runnels County, Texas (the "Facility") that has approximately 200 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on October 7, 2013, TCEQ staff documented that the running annual average concentrations for total trihalomethanes ("TTHM") were 0.224 milligrams per liter ("mg/L") for the first quarter of 2009, 0.189 mg/L for the second quarter of 2009, 0.199 mg/L for the third quarter of 2009, 0.201 mg/L for the fourth quarter of 2009, 0.211 mg/L for the first quarter of 2010, 0.274 mg/L for the second quarter of 2010, 0.260 mg/L for the third quarter of 2010, 0.318 mg/L for the fourth quarter of 2010, 0.353 mg/L for the first quarter of 2011, 0.390 mg/L for the second quarter of 2011, 0.398 mg/L for the third quarter of 2011, 0.402 mg/L for the fourth quarter of 2011, 0.430 mg/L for the first quarter of 2012, 0.424 mg/L for the second quarter of 2012, 0.552 mg/L for the third quarter of 2012, 0.471 mg/L for the fourth quarter of 2012, 0.387 mg/L for the first quarter of 2013, 0.304 mg/L for the second quarter of 2013, and 0.176 mg/L for the third quarter of 2013.
3. The Respondent received notice of the violations on January 14, 2014.
4. The Executive Director recognizes that the Respondent transitioned from Stage 1 Disinfectant Byproduct monitoring to Stage 2 Disinfectant Byproduct monitoring on October 1, 2013.

### 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 comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. 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.
4. An administrative penalty in the amount of One Thousand Two Hundred Eighty-One Dollars (\$1,281) 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). One Thousand Two Hundred Eighty-One Dollars (\$1,281) of the administrative penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms

of this Agreed Order and shall be waived only upon full compliance with all the the terms and conditions contained in this Agreed Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, the deferred amount of the administrative penalty shall become immediately due and payable without demand or notice, and the Executive Director may request the Respondent to pay all or part of the deferred 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 One Thousand Two Hundred Eighty-One Dollars (\$1,281) as set forth in Section II, Paragraph 4 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: ROWENA WATER SUPPLY CORPORATION, Docket No. 2014-0088-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, begin negotiating a water purchase contract that will enable the Facility to comply with the MCL for TTHM within 1,095 days of the effective date of this Agreed Order, in accordance with 30 TEX. ADMIN. CODE § 290.45;
  - b. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.k. below to demonstrate compliance with Ordering Provision No. 2.a.;
  - c. Within 1,095 days after the effective date of this Agreed Order:
    - i. Return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113; or

- ii. Return to compliance with the locational running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN CODE § 290.115.
- d. Within 1,110 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.k. below to demonstrate compliance with Ordering Provision No. 2.c.i or 2.c.ii.

In lieu of Ordering Provision Nos. 2.a. through 2.d.:

- e. Within 120 days after the effective date of this Agreed Order, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the MCL for TTHM. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days after the effective date of this Agreed Order. If the Respondent purchases or sells water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study. The evaluation shall be sent to the addresses in listed in Ordering Provision No. 2.k.;
- f. Within 135 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.k. below to demonstrate compliance with Ordering Provision No. 2.e.;
- g. Within 180 days after the effective date of this Agreed Order, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology to the addresses listed in Ordering Provision No. 2.k.;
- h. Within 180 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.k. below. These reports shall include information regarding actions taken to provide water which meets the MCL for TTHM;
- i. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.k. below to demonstrate compliance with Ordering Provision No. 2.g.;
- j. Within 1,095 days after the effective date of this Agreed Order:
  - i. Return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113; or

- ii. Return to compliance with the locational running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN CODE § 290.115.
- k. Within 1,110 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.j.i. or 2.j.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  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

and to:

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

- 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

Pamela Martin J  
For the Executive Director

7/7/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of ROWENA WATER SUPPLY CORPORATION. I am authorized to agree to the attached Agreed Order on behalf of ROWENA 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, ROWENA 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.

Billy R. Lange  
Signature

4/18/14  
Date

Billy R. Lange  
Name (Printed or typed)  
Authorized Representative of  
ROWENA WATER SUPPLY CORPORATION

Operator Vice-Pres  
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.