

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 42900  
Seneca Water Supply Corporation  
RN101452902  
Docket No. 2013-1904-MLM-E

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

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

**Media:**

MLM: PWS and WQ

**Small Business:**

Yes

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

off of Highway 69, approximately 2.5 miles south of Woodville, Tyler County

**Type of Operation:**

public water system

**Other Significant Matters:**

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

**Texas Register Publication Date:** November 21, 2014

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$21,220

**Total Paid to General Revenue:** \$21,220

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

**Compliance History Classifications:**

Person/CN – Unclassified  
Site/RN – Not Applicable

**Major Source:** No

**Statutory Limit Adjustment:** \$76 enhancement (PCW 2)

**Applicable Penalty Policy:** September 2011

**Investigation Information**

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

**Date(s) of Investigation:** August 14, 2013

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

**Date(s) of NOE(s):** September 26, 2013

**Seneca Water Supply Corporation**

RN101452902

Docket No. 2013-1904-MLM-E

**Violation Information**

1. Failed to obtain authorization from the Commission prior to any discharge of wastewater into or adjacent to water in the state [TEX. WATER CODE § 26.121(a); 30 TEX. ADMIN. CODE §§ 290.42(i) and 305.42(a); and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provisions Nos. 2.a.i. and 2.e.].
2. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility's facilities and equipment and maintain the grounds and facilities in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water [30 TEX. ADMIN. CODE § 290.46(m) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.a.ii.].
3. Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupation Safety and Health Administration standards and is readily accessible outside the chlorination room [30 TEX. ADMIN. CODE § 290.42(e)(4)(A) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.b.iii.].
4. Failed to properly house chlorine cylinders so that they are protected from adverse weather conditions and vandalism [30 TEX. ADMIN. CODE § 290.42(e)(4)(B) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.b.iv.].
5. Failed to obtain sanitary control easements that cover the land within 150 feet of Well Nos. 1 and 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.c.ii.].
6. Failed to provide an intruder-resistant fence to protect the well, water treatment plant, and storage and pressure maintenance facilities [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e)].

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

1. Provided documentation to demonstrate that the sample tap located on the right ground storage tank at Plant No. 1 was repaired (Violation No. 2);
2. Submitted photographs to demonstrate that the chlorine cylinders at Plant No. 1 are now protected from adverse weather conditions and vandalism (Violation No. 4);
3. Submitted documentation to demonstrate that sanitary control easements that cover the land within 150 feet of Well Nos. 1 and 2 have been obtained (Violation No. 5); and
4. Provided a full-face SCBA outside of the chlorination room at Plant No. 1 (Violation No. 3).

**Technical Requirements:**

1. Within 30 days:
  - a. Submit an administratively complete permit application for the discharge of wastewater generated from the filter backwash units at Plant Nos. 1 and 2 and respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 15 days after the date of such requests or before any other deadline specified in writing by the TCEQ (Violation No. 1); and
  - b. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility's facilities and equipment and maintain the grounds and facilities in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water, including removing the excess vegetation from the fencing at Plant Nos. 1 and 2 (Violation No. 2).
2. Within 60 days, provide intruder-resistant fences to protect the well, water treatment plant, and storage and pressure maintenance facilities (Violation No. 6).

**Seneca Water Supply Corporation**

**RN101452902**

**Docket No. 2013-1904-MLM-E**

3. Within 180 days, either obtain approval of the permit application for the discharge of wastewater from the filter backwash units at Plant Nos. 1 and 2, or cease all unauthorized discharges from the backwash units at Plant Nos. 1 and 2 until authorization is obtained (Violation No. 1).
4. Submit written certification to demonstrate compliance:
  - a. Within 45 days for Technical Requirements Nos. 1.a. and 1.b.;
  - b. Within 75 days for Technical Requirement No. 2; and
  - c. Within 195 days for Technical Requirement 3.

**Litigation Information**

**Date Petition(s) Filed:** October 21, 2014

**Date Answer(s) Filed:** N/A

**Settlement Date:** October 27, 2014

**Contact Information**

**TCEQ Attorneys:** Elizabeth Carroll Harkrider, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Rudy Calderon, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Michaelle Garza, Enforcement Division, (210) 403-4076

**TCEQ Regional Contact:** Ronald Hebert, Beaumont Regional Office, (409) 898-3838

**Respondent Contact:** Frank Walker, Vice President, Seneca Water Supply Corporation, P.O. Box 27, Woodville, Texas 75979

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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	30-Sep-2013	<b>Screening</b>	4-Oct-2013	<b>EPA Due</b>	
	<b>PCW</b>	14-Oct-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Seneca Water Supply Corporation	
<b>Reg. Ent. Ref. No.</b>	RN101452902	
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b> Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42900	<b>No. of Violations</b>	1
<b>Docket No.</b>	2013-1904-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Public Water Supply	<b>Enf. Coordinator</b>	Michaelle Garza
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$15,000

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

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

**Compliance History** **20.0%** Enhancement **Subtotals 2, 3, & 7** \$3,000

Notes: Enhancement for one agreed order containing a denial of liability.

**Culpability** No **0.0%** Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$0

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$344  
Approx. Cost of Compliance \$3,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$18,000

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$18,000

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$18,000

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

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

Notes:

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** \$18,000

<b>Screening Date</b>	4-Oct-2013	<b>Docket No.</b>	2013-1904-MLM-E	<b>PCW</b>
<b>Respondent</b>	Seneca Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	42900			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101452902			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Michaelle Garza			

### 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	<b>Adjustment Percentage (Subtotal 3)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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>> **Compliance History Person Classification (Subtotal 7)**

Unclassified	<b>Adjustment Percentage (Subtotal 7)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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>> **Compliance History Summary**

<b>Compliance History Notes</b>	Enhancement for one agreed order containing a denial of liability.
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**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

>> **Final Compliance History Adjustment**

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

<b>Screening Date</b>	4-Oct-2013	<b>Docket No.</b>	2013-1904-MLM-E	<b>PCW</b>
<b>Respondent</b>	Seneca Water Supply Corporation		Policy Revision 3 (September 2011)	
<b>Case ID No.</b>	42900	PCW Revision August 3, 2011		
<b>Reg. Ent. Reference No.</b>	RN101452902			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Michaelle Garza			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 305.42(a) and 290.42(i), Tex. Water Code § 26.121(a), and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision Nos. 2.a.i. and 2.e.

**Violation Description**

Failed to obtain authorization from the Commission prior to any discharge of wastewater into or adjacent to water in the state. Specifically, the Facility was discharging filter backwash effluent into holding ponds at Plant Nos. 1 and 2 without authorization.

**Base Penalty**

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

OR

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

**Percent**

>> **Programmatic Matrix**

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

**Percent**

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

Twelve quarterly events are recommended (six for each plant), calculated from the effective date of TCEQ Agreed Order Docket No. 2011-2042-MLM-E, June 17, 2012, to the date of screening, October 4, 2013.

**Good Faith Efforts to Comply**

Reduction

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

**Notes**

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Seneca Water Supply Corporation  
**Case ID No.** 42900  
**Reg. Ent. Reference No.** RN101452902  
**Media Violation No.** Water Quality  
 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	\$3,000	17-Jun-2012	1-Oct-2014	2.29	\$344	n/a	\$344
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to obtain authorization for the discharge from the backwash filters at Plant Nos. 1 and 2, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-2042-MLM-E to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

**TOTAL**

\$344



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	30-Sep-2013		
	<b>PCW</b>	26-Sep-2014	<b>Screening</b>	4-Oct-2013
			<b>EPA Due</b>	

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Seneca Water Supply Corporation		
<b>Reg. Ent. Ref. No.</b>	RN101452902		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	42900	<b>No. of Violations</b>	5
<b>Docket No.</b>	2013-1904-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Michaelle Garza
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,850
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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>	\$570
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<b>Notes</b>	Enhancement for one agreed order containing a denial of liability.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$276
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$159	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,570	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,144
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$3,144
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,220
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$3,220
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Screening Date 4-Oct-2013

Docket No. 2013-1904-MLM-E

PCW

Respondent Seneca Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 42900

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101452902

Media [Statute] Public Water Supply

Enf. Coordinator Michaëlle Garza

## Compliance History Worksheet

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

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

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability.

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

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

Final Adjustment Percentage \*capped at 100% 20%

**Screening Date** 4-Oct-2013 **Docket No.** 2013-1904-MLM-E **PCW**  
**Respondent** Seneca Water Supply Corporation *Policy Revision 3 (September 2011)*  
**Case ID No.** 42900 *PCW Revision August 3, 2011*  
**Reg. Ent. Reference No.** RN101452902  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Michaelle Garza

**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(m) and TCEQ Agreed Order Docket No. 2011-2042 MLM-E, Ordering Provision No. 2.a.ii.  
**Violation Description** Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility's facilities and equipment and maintain the grounds and facilities in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water. Specifically, the fences at Plant Nos. 1 and 2 were overgrown with vegetation and the sample tap located on the right ground storage tank ("GST") at Plant No. 1 was not functioning.  
**Base Penalty**

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

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

**>> Programmatic Matrix**

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

Matrix Notes: Failure to maintain the Facility in good working condition could cause customers of the Facility to be exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

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

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

Estimated EB Amount       Violation Final Penalty Total

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

## Economic Benefit Worksheet

**Respondent** Seneca Water Supply Corporation  
**Case ID No.** 42900  
**Reg. Ent. Reference No.** RN101452902  
**Media Violation No.** Public Water Supply  
 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$420	17-Jun-2012	1-May-2014	1.87	\$3	\$52	\$55
Other (as needed)	\$420	17-Jun-2012	1-May-2014	1.87	\$3	\$52	\$55
Other (as needed)	\$50	14-Aug-2013	22-Nov-2013	0.27	\$0	\$1	\$1
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 costs include the estimated amount to repair and remove vegetation from the fences at both plants (\$35/hour x 24 hours), calculated from the effective date of TCEQ Agreed Order Docket No. 2011-2042-MLM-E to the estimated date of compliance. The other delayed cost includes the estimated amount to repair the sample tap (\$50), calculated from the date of the investigation to the 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 \$890

**TOTAL** \$111

<b>Screening Date</b>	4-Oct-2013	<b>Docket No.</b>	2013-1904-MLM-E	<b>PCW</b>
<b>Respondent</b>	Seneca Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	42900			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101452902			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.42(e)(4)(A) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.b.iii.

**Violation Description**  
 Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupation Safety and Health Administration ("OSHA") standards and is readily accessible outside the chlorination room. Specifically, there was not an SCBA or supplied air respirator at Plant No. 1.

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Failure to provide an SCBA or supplied air respirator could expose employees of the Facility to chlorine gas which would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

Sixteen monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-2042-MLM-E, June 17, 2012, to the date of screening, October 4, 2013.

**Good Faith Efforts to Comply**

Reduction

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

Notes: The Respondent achieved compliance on December 23, 2013.

**Violation Subtotal**

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

**Statutory Limit Test**

Estimated EB Amount

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Seneca Water Supply Corporation  
**Case ID No.** 42900  
**Reg. Ent. Reference No.** RN101452902  
**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
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,400	17-Jun-2012	23-Dec-2013	1.52	\$7	\$142	\$149
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 costs include the estimated amount purchase an SCBA for Plant No. 1, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-2042-MLM-E to the date of compliance.

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$1,400	<b>TOTAL</b>	\$149
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<b>Screening Date</b>	4-Oct-2013	<b>Docket No.</b>	2013-1904-MLM-E	<b>PCW</b>
<b>Respondent</b>	Seneca Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	42900			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101452902			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(4)(B) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.b.iv.			
<b>Violation Description</b>	Failed to properly house chlorine cylinders so that they are protected from adverse weather conditions and vandalism. Specifically, two chlorine gas cylinders were not being housed but were stored outside at Plant No. 1.			
<b>Base Penalty</b>	\$1,000			

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>			<b>Percent</b>
	Major	Moderate	Minor	
	Actual			
	Potential	x		5.0%

>> Programmatic Matrix

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

Matrix Notes: Failure to properly store chlorine cylinders could expose employees of the Facility to a significant amount of chlorine gas which would not exceed levels protective of human health.

**Adjustment** \$950

\$50

Violation Events

Number of Violation Events: 6      474 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$300

Six quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-2042-MLM-E, June 17, 2012, to the date of screening October 4, 2013.

Good Faith Efforts to Comply **10.0%** Reduction \$30

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

Notes: The Respondent achieved compliance on December 13, 2013.

**Violation Subtotal** \$270

Economic Benefit (EB) for this violation      Statutory Limit Test

Estimated EB Amount \$2      Violation Final Penalty Total \$330

**This violation Final Assessed Penalty (adjusted for limits)** \$330

# Economic Benefit Worksheet

**Respondent** Seneca Water Supply Corporation  
**Case ID No.** 42900  
**Reg. Ent. Reference No.** RN101452902  
**Media** Public Water Supply  
**Violation No.** 3

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)	\$25	17-Jun-2012	13-Dec-2013	1.49	\$2	n/a	\$2

**Notes for DELAYED costs**  
 The delayed costs include the estimated amount to move the chlorine cylinders inside the chlorine storage sheds at Plant No. 1, calculated from the effective date of TCEQ Agreed Order 2011-2042-MLM-E to the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$25

**TOTAL** \$2

**Screening Date** 4-Oct-2013 **Docket No.** 2013-1904-MLM-E **PCW**  
**Respondent** Seneca Water Supply Corporation *Policy Revision 3 (September 2011)*  
**Case ID No.** 42900 *PCW Revision August 3, 2011*  
**Reg. Ent. Reference No.** RN101452902  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Michaelle Garza

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.c.ii.

**Violation Description**  
 Failed to obtain sanitary control easements that cover the land within 150 feet of Well Nos. 1 and 2. Specifically, county roads were located within 150 feet of both wells and sanitary control easements were not provided.

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

Failure to have sanitary control easements in place could allow activities to occur next to the wells which could allow contamination of the wells, exposing customers of the Facility to insignificant amounts of contaminants which would not exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

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

**Good Faith Efforts to Comply**

Reduction

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

**Notes** The Respondent achieved compliance on December 13, 2013.

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

# Economic Benefit Worksheet

**Respondent** Seneca Water Supply Corporation  
**Case ID No.** 42900  
**Reg. Ent. Reference No.** RN101452902  
**Media Violation No.** Public Water Supply  
 4

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)	\$40	17-Jun-2012	13-Dec-2013	1.49	\$3	n/a	\$3

**Notes for DELAYED costs** The delayed cost includes the estimated amount to record a sanitary control easement (\$20 x 2 wells), calculated from the effective date of TCEQ Agreed Order Docket No. 2011-2042-MLM-E to the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

**TOTAL**

<b>Screening Date</b>	4-Oct-2013	<b>Docket No.</b>	2013-1904-MLM-E	<b>PCW</b>
<b>Respondent</b>	Seneca Water Supply Corporation			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	42900			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101452902			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Garza			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e)

**Violation Description**

Failed to provide an intruder-resistant fence to protect the well, water treatment plant, and storage and pressure maintenance facilities. Specifically, the barbed wire was missing from the west fence at Plant No. 1.

**Base Penalty**

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

OR

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

**Percent**

>> **Programmatic Matrix**

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

**Percent**

Matrix Notes

Failure to provide an intruder-resistant fence for the storage and pressure maintenance facilities could expose customers of the Facility to an insignificant amount of contaminants that would not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

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

Notes

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Seneca Water Supply Corporation  
**Case ID No.** 42900  
**Reg. Ent. Reference No.** RN101452902  
**Media** Public Water Supply  
**Violation No.** 5

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)	\$105	14-Aug-2013	1-May-2014	0.71	\$0	\$5	\$5
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to replace the barbed wire and make the fence intruder-resistant, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$105

**TOTAL** \$5

The TCEQ is committed to accessibility.

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



# Compliance History Report

**PENDING** Compliance History Report for CN600635809, RN101452902, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600635809, Seneca Water Supply Corporation **Classification:** UNCLASSIFIED **Rating:** -----  
**Regulated Entity:** RN101452902, SENECA WSC **Classification:** NOT APPLICABLE **Rating:** N/A  
**Complexity Points:** N/A **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** OFF HIGHWAY 69, 2.5 MILES SOUTH OF WOODVILLE, TYLER COUNTY, TX  
**TCEQ Region:** REGION 10 - BEAUMONT  
**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 2290011

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

**Date Compliance History Report Prepared:** October 04, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 04, 2008 to October 04, 2013

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

**Name:** Michaëlle Garza

**Phone:** (210) 403-4076

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

#### 1 Effective Date: 06/17/2012 ADMINORDER 2011-2042-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)

Description: Failure to protect gas chlorine cylinders from vandalism and adverse weather at Plant Nos. 1 and 2.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)

Description: Failure to have a sample taps located on the ground storage tanks at Plant Nos. 1 and 2.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description: Failure to maintain a booster pump at Plant No. 2.

Classification: Minor

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

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility's systems and equipment

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failure to have a Self-Contained Breathing Apparatus (SCBA) at Plant No. 1, where gas chlorine is used.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to obtain a sanitary control easement for Wells Nos. 1 and 2.

Classification: Minor

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

Description: Failure to calibrate the meters for Well Nos. 1 and 2 within the last three years.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(B)

Description: Failed to operate the water system under the direct supervision of a water works operator who holds a Class "C" or higher license.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 290, SubChapter D 290.42(i)

30 TAC Chapter 305, SubChapter C 305.42(a)

Description: Failed to obtain authorization from the Commission prior to any discharge of wastewater. Specifically, the Facility was discharging filter backwash effluent into a holding pond at Plant No. 1 without a permit and discharging the filter backwash effluent at Plant No. 2 onto the ground without authorization.

**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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SENECA WATER SUPPLY  
CORPORATION;  
RN101452902**

§  
§  
§  
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§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2013-1904-MLM-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Seneca Water Supply Corporation ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, the right to an evidentiary hearing, notice of an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Respondent.

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

### **FINDINGS OF FACT**

1. Respondent owns and operates a public water system located off of Highway 69, approximately 2.5 miles south of Woodville in Tyler County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 352 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on August 14, 2013, a TCEQ Beaumont Regional Office investigator documented that Respondent:
  - a. Failed to obtain authorization from the Commission prior to any discharge of wastewater into or adjacent to water in the state. Specifically, the Facility was discharging filter backwash effluent into holding ponds at Plant Nos. 1 and 2 without authorization;
  - b. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility's facilities and equipment and maintain the grounds and facilities in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water. Specifically, the fences at Plant Nos. 1 and 2

- were overgrown with vegetation and the sample tap located on the right ground storage tank ("GST") at Plant No. 1 was not functioning;
- c. Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupation Safety and Health Administration ("OSHA") standards and is readily accessible outside the chlorination room. Specifically, there was not an SCBA or supplied air respirator at Plant No. 1;
  - d. Failed to properly house chlorine cylinders so that they are protected from adverse weather conditions and vandalism. Specifically, two chlorine gas cylinders were not being housed but were stored outside at Plant No. 1;
  - e. Failed to obtain sanitary control easements that cover the land within 150 feet of Well Nos. 1 and 2. Specifically, county roads were located within 150 feet of both wells and sanitary control easements were not provided; and
  - f. Failed to provide an intruder-resistant fence to protect the well, water treatment plant, and storage and pressure maintenance facilities. Specifically, the barbed wire was missing from the west fence at Plant No. 1.
3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
- a. On November 22, 2013, Respondent provided documentation to demonstrate that the sample tap located on the right GST at Plant No. 1 was repaired (Conclusion of Law No. 3);
  - b. On December 13, 2013, Respondent:
    - i. Submitted photographs to demonstrate that the chlorine cylinders at Plant No. 1 are now protected from adverse weather conditions and vandalism (Conclusion of Law No. 5); and
    - ii. Submitted documentation to demonstrate that sanitary control easements that cover the land within 150 feet of Well Nos. 1 and 2 have been obtained (Conclusion of Law No. 6); and
  - c. By December 23, 2013, Respondent provided a full-face SCBA outside of the chlorination room at Plant No. 1 (Conclusion of Law No. 4).

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to obtain authorization from the Commission prior to any discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a); 30 TEX. ADMIN. CODE §§ 290.42(i) and 305.42(a); and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provisions Nos. 2.a.i. and 2.e.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility's facilities and equipment and maintain the grounds and facilities in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water, in violation of 30 TEX. ADMIN. CODE § 290.46(m) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.a.ii.

4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide a full-face SCBA or supplied air respirator that meets OSHA standards and is readily accessible outside the chlorination room, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.b.iii.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to properly house chlorine cylinders so that they are protected from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.b.iv.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to obtain sanitary control easements that cover the land within 150 feet of Well Nos. 1 and 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2011-2042-MLM-E, Ordering Provision No. 2.c.ii.
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide an intruder-resistant fence to protect the well, water treatment plant, and storage and pressure maintenance facilities, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e).
8. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ'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 twenty-one thousand two hundred twenty dollars (\$21,220.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049. Respondent paid of twenty-one thousand two hundred twenty dollars (\$21,220.00) of the administrative penalty.

#### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 9 for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
    - i. Submit an administratively complete permit application for the discharge of wastewater generated from the filter backwash units at Plant Nos. 1 and 2 to:

Wastewater Permits Section  
Water Quality Division, MC 148  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 15 days after the date of such requests or before any other deadline specified in writing by the TCEQ; and

- ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility's facilities and equipment and maintain the grounds and facilities in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water, including removing the excess vegetation from the fencing at Plant Nos. 1 and 2, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.g., to demonstrate compliance with Ordering Provisions Nos. 2.a.i. and 2.a.ii.
- c. Within 60 days after the effective date of this Agreed Order, Respondent shall provide intruder-resistant fences to protect the well, water treatment plant, and storage and pressure maintenance facilities, in accordance with 30 TEX. ADMIN. CODE §§ 290.41, 290.42, and 290.43.
- d. Within 75 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.g., to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 180 days after the effective date of this Agreed Order, Respondent shall either obtain approval of the permit application for the discharge of wastewater from the filter backwash units at Plant Nos. 1 and 2, or cease all unauthorized discharges from the backwash units at Plant Nos. 1 and 2 until authorization is obtained, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- f. Within 195 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.g., to demonstrate compliance with Ordering Provision No. 2.e.
- g. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

Respondent shall submit the written certifications and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Ronald Hebert, Water Section Manager  
Texas Commission on Environmental Quality  
Beaumont Regional Office  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

and:

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

3. All relief not expressly granted in this Agreed Order is denied.
4. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed in Ordering Provision No. 2.g.
7. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute.
8. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.

10. 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.
11. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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

*[Signature]*  
For the Executive Director

*January 5, 2015*  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Seneca Water Supply Corporation, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Agreed 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

*Dorothy C. Powell*  
Signature

*10/27/2014*  
Date

*Dorothy C. Powell*  
Name (Printed or typed)

*President*  
Title

Authorized representative of  
Seneca Water Supply Corporation  
P.O. Box 27  
Woodville, Texas 75979-0554

If mailing address has changed, please check this box and provide the new address below:

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