

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49377  
Tom Green County Fresh Water Supply District 2  
RN101426047  
Docket No. 2014-1405-PWS-E

**Order Type:**

Default Order

**Media:**

PWS – Public Water System

**Small Business:**

N/A

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

the northwest corner of Lewis Street and 3rd Street, Christoval, Tom Green 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:** February 13, 2015

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$1,170

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

**Total Due to General Revenue:** \$1,170

**Compliance History Classifications:**

Person/CN –Unclassified  
Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2002 (PCW 1); April 2014 (PCW 2)

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** September 2-12, 2014  
**Date(s) of NOV(s):** November 14, 2013; August 26, 2014  
**Date(s) of NOE(s):** September 12, 2014

**Violation Information**

1. Failed to submit routine reports and any additional documentation that the Executive Director may require to determine compliance with the requirements of 30 TEX. ADMIN. CODE ch. 290 [30 TEX. ADMIN. CODE § 290.46(f)(3)(C)(iii) and (f)(4)].
2. Failed to mail or directly deliver one copy of the consumer confidence report (“CCR”) to each bill paying customer by July 1 of each year and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
3. Failed to collect a set of four repeat coliform samples within 24 hours of being notified of a total coliform positive result on a routine sample [TEX. HEALTH & SAFETY CODE § 341.033(d) and 30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii)].
4. Failed to collect lead and copper samples at the required ten sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director [30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 10 days, begin complying with applicable coliform monitoring requirements by collecting repeat distribution coliform monitoring samples and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
2. Within 30 days:
  - a. Submit the recycling practices report;
  - b. Implement improvements to the Facility’s process procedures, guidance, training, and/or oversight to ensure all future routine lead and copper tap samples are collected, analyzed by an approved laboratory, and the results reported to the Executive Director within ten days following the end of each monitoring period; and
  - c. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers.
3. Within 45 days:
  - a. Submit written certification to demonstrate compliance with Technical Requirements Nos. 2.a., 2.b., and 2.c.; and
  - b. Submit to the Executive Director a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49377**  
**Tom Green County Fresh Water Supply District 2**  
**RN101426047**  
**Docket No. 2014-1405-PWS-E**

4. Within 90 days, begin complying with applicable lead and copper monitoring requirements by collecting the required number of routine lead and copper samples and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period. This provision will be satisfied upon one compliant monitoring period.
5. Within 205 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.
6. Within 470 days, submit written certification to demonstrate compliance with Technical Requirement No. 4.

**Litigation Information**

**Date Petition(s) Filed:** November 10, 2014

**Date Green Card(s) Signed:** December 9, 2014

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

**Contact Information**

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

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, (361) 825-3425

**TCEQ Regional Contact:** Christopher Mayben, P.G., San Angelo Regional Office, (325) 655-9479

**Respondent Contact:**

Jean Ann Danbert, President, Tom Green County FWSD, P.O. Box 131, Christoval, Texas 76935;  
Jean Ann Danbert, President, Tom Green County FWSD 2, P.O. Box 60, Christoval, Texas 76935;  
Jean Ann Danbert, President, Tom Green County FWSD 2, 508 Anson Street, Christoval, Texas 76935

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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	15-Sep-2014	<b>Screening</b>	22-Sep-2014	<b>EPA Due</b>	31-Dec-2014
	<b>PCW</b>	22-Sep-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Tom Green County Fresh Water Supply District 2
<b>Reg. Ent. Ref. No.</b>	RN101426047
<b>Facility/Site Region</b>	8-San Angelo
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	49377	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-1405-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<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>	\$100
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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>	80.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$80
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Notes: Enhancement for two NOVs with the same/similar violations, one final agreed order containing a denial of liability and two final agreed orders without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$36  
 Estimated Cost of Compliance: \$135  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$180
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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.

Notes:

<b>Final Penalty Amount</b>	\$180
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$180
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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)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$180
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**Screening Date** 22-Sep-2014

**Docket No.** 2014-1405-PWS-E

**PCW**

**Respondent** Tom Green County Fresh Water Supply District 2

Policy Revision 2 (September 2002)

**Case ID No.** 49377

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101426047

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

### 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> )	2	10%
	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	2	50%
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 judgments 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)** 80%

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

N/A

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

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

Unclassified

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

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for two NOVs with the same/similar violations, one final agreed order containing a denial of liability and two final agreed orders without a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 80%

<b>Screening Date</b>	22-Sep-2014	<b>Docket No.</b>	2014-1405-PWS-E	<b>PCW</b>
<b>Respondent</b>	Tom Green County Fresh Water Supply District 2			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	49377			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101426047			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.46(f)(3)(C)(iii) and (f)(4)

**Violation Description**

Failed to submit routine reports and any additional documentation that the Executive Director may require to determine compliance with the requirements of 30 Tex. Admin. Code ch. 290. Specifically, in a letter dated April 6, 2011, an updated Recycling Practices Report ("RPR") was requested to be completed and submitted within 90 days but was not submitted.

**Base Penalty**

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

OR

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

**Percent**

>> **Programmatic Matrix**

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

**Percent**

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

**Reduction**

Before NOV    NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input 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** Tom Green County Fresh Water Supply District 2  
**Case ID No.** 49377  
**Reg. Ent. Reference No.** RN101426047  
**Media Violation No.** Public Water Supply  
 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$135	5-Jul-2011	1-May-2015	3.82	\$2	\$34	\$36
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 prepare an updated RPR and submit it to the Executive Director, calculated from the date the report was due to the estimated date of compliance.

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$135	<b>TOTAL</b>	\$36
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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	15-Sep-2014	<b>Screening</b>	22-Sep-2014	<b>EPA Due</b>	31-Dec-2014
	<b>PCW</b>	22-Sep-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Tom Green County Fresh Water Supply District 2
<b>Reg. Ent. Ref. No.</b>	RN101426047
<b>Facility/Site Region</b>	8-San Angelo
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	49377	<b>No. of Violations</b>	3
<b>Docket No.</b>	2014-1405-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<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>	\$550
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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>	80.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$440
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Notes: Enhancement for two NOV's with the same/similar violations, one final agreed order containing a denial of liability and two final agreed orders without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$1,143  
 Estimated Cost of Compliance: \$1,130  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$990
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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.

Notes: [Empty box]

<b>Final Penalty Amount</b>	\$990
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$990
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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)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$990
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Screening Date 22-Sep-2014

Docket No. 2014-1405-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 4 (April 2014)

Case ID No. 49377

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

## 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> )	2	10%
	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	2	50%
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 judgments 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) 80%

## &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 two NOVs with the same/similar violations, one final agreed order containing a denial of liability and two final agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 80%

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

Final Adjustment Percentage \*capped at 100% 80%

<b>Screening Date</b>	22-Sep-2014	<b>Docket No.</b>	2014-1405-PWS-E	<b>PCW</b>
<b>Respondent</b>	Tom Green County Fresh Water Supply District 2			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	49377			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101426047			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)
<b>Violation Description</b>	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the years 2011 and 2012.

**Base Penalty** \$1,000

>> Environmental, Property and Human Health Matrix

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%

**Matrix Notes**  
100% of the rule requirements were not met.

**Adjustment** \$950

\$50

Violation Events

Number of Violation Events  Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$100

Two single events are recommended.

**Good Faith Efforts to Comply**  Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

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

**Violation Subtotal** \$100

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

**Estimated EB Amount** \$382 **Violation Final Penalty Total** \$180

**This violation Final Assessed Penalty (adjusted for limits)** \$180

## Economic Benefit Worksheet

**Respondent** Tom Green County Fresh Water Supply District 2  
**Case ID No.** 49377  
**Reg. Ent. Reference No.** RN101426047  
**Media Violation No.** Public Water Supply  
 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs [3]</b>	\$330	1-Jul-2012	22-Sep-2014	3.15	\$52	\$330	\$382
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary to produce copies of the CCRs and mail or directly deliver the reports to customers of the Facility and provide a copy of required certification to the Executive Director (\$0.50 x 230 connections plus a flat fee of \$50) x two years), calculated from the date the 2011 CCR was due to the screening date.

Approx. Cost of Compliance \$330

**TOTAL** \$382

<b>Screening Date</b>	22-Sep-2014	<b>Docket No.</b>	2014-1405-PWS-E	<b>PCW</b>
<b>Respondent</b>	Tom Green County Fresh Water Supply District 2			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	49377			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101426047			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

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

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

**Violation Base Penalty**

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

**Notes**

**Violation Subtotal**

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Tom Green County Fresh Water Supply District 2  
**Case ID No.** 49377  
**Reg. Ent. Reference No.** RN101426047  
**Media Violation No.** Public Water Supply  
 2

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

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

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	1-Jul-2014	2-Jul-2014	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs The avoided costs include the estimated amount to collect a total of four repeat samples (\$25 per sample), calculated for the 24-hour period after the coliform-positive result.							

Approx. Cost of Compliance \$100

**TOTAL** \$100

<b>Screening Date</b> 22-Sep-2014	<b>Docket No.</b> 2014-1405-PWS-E	<b>PCW</b>
<b>Respondent</b> Tom Green County Fresh Water Supply District 2		<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b> 49377		<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b> RN101426047		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

**Reduction**

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

**Notes**

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Tom Green County Fresh Water Supply District 2  
**Case ID No.** 49377  
**Reg. Ent. Reference No.** RN101426047  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	2-Sep-2014	1-May-2015	0.66	\$3	n/a	\$3
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 implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future lead and copper samples are collected by the Facility's personnel, analyzed by the Facility's laboratories and reported to the Executive Director, calculated from the date of the record review 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]	\$300	1-Jan-2011	31-Dec-2011	1.92	\$29	\$300	\$329
Other (as needed)	\$300	1-Jan-2013	31-Dec-2013	1.92	\$29	\$300	\$329

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed all lead and copper samples (\$30 per sample x 10 samples x two monitoring periods), calculated for the monitoring periods in which samples were required.

Approx. Cost of Compliance \$700

**TOTAL** \$661

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 CN600740302, RN101426047, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600740302, Tom Green County FWSD 2      **Classification:** UNCLASSIFIED      **Rating:** -----

**Regulated Entity:** RN101426047, TOM GREEN COUNTY FWSD 2 CHRISTOVAL      **Classification:** N/A      **Rating:** N/A

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

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 508 ANSON STREET IN CHRISTOVAL, TOM GREEN COUNTY, TEXAS

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

**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 2260004

**Compliance History Period:** September 01, 2009 to August 31, 2014      **Rating Year:** 2014      **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** September 22, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 22, 2009 to September 22, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** EPI VILLARREAL      **Phone:** (361) 825-3425

## 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:** 04/11/2010      **ADMINORDER** 2009-1374-PWS-E      (1660 Order-Agreed Order With Denial)
  - Classification: Minor
  - Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
  - Description: Failed to provide a flow measuring device for the raw water supplied to the treatment facility, as documented during an investigation conducted on June 5, 2009.
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
  - Description: Failed to maintain records of the monthly calibration conducted on the on-line turbidimeters, as documented during an investigation conducted on June 5, 2009.
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
  - Description: Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, as documented during an investigation conducted on June 5, 2009.
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
  - Description: Failed to inspect each of the Facility's ground storage tanks on an annual basis, as documented during an investigation conducted on June 5, 2009.
  - Classification: Minor
  - Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
  - Description: Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, as documented during an investigation conducted on June 5, 2009.
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)
  - Description: Failed to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit, as documented during an investigation conducted on June 5, 2009.
  - Classification: Major
  - Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
  - Description: Failed to complete the minimum level of required treatment to the water source prior to the water entering the distribution system, as documented during an investigation conducted on June 5, 2009.
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
  - Description: Failure to inspect the Facility's pressure tank on an annual basis. Specifically, on the date of the investigation, it was noted that the most recent inspection conducted on the Facility's one pressure tank was dated 2007.

**2 Effective Date: 06/20/2011 ADMINORDER 2010-1414-PWS-E (Findings Order-Agreed Order Without Denial)**

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vi)

Description: Failure to provide jar tests for determining the optimum coagulant dose.

Classification: Moderate

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

Description: Failure to calibrate the flow measuring devices at least once every 12 months.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)

Description: Failure to calibrate the benchtop turbidimeter every 90 days.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)

Description: Failure to maintain on file and make available for Commission review accurately completed copies of Surface Water Monthly Operating Report (SWMORs).

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Rqmt Prov: OP 2.a.i ORDER

Description: Failure to maintain records of the monthly calibration conducted on the on-line turbidimeters..

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)

Rqmt Prov: OP 2.a.ii ORDER

Description: Failure to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit. Failure to comply with Commission Agreed Order Docket No. 2009-1374-PWS-E.

**3 Effective Date: 12/15/2012 ADMINORDER 2012-0957-PWS-E (Findings Order-Agreed Order Without Denial)**

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vi)

Rqmt Prov: OP 2.b.i. ORDER

Description: Failure to provide jar tests for determining the optimum coagulant dose. Failure to comply with Commission Order Docket No. 2010-1414-PWS-E.

Classification: Major

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

Rqmt Prov: OP 2.b.ii. ORDER

Description: Failure to calibrate the flow measuring devices at least once every 12 months. Failure to comply with Commission Order Docket No. 2010-1414-PWS-E.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)

Rqmt Prov: OP 2.b.iii. ORDER

Description: Failure to calibrate the benchtop turbidimeter every 90 days. Failure to comply with Commission Order Docket No. 2010-1414-PWS-E.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)

30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Rqmt Prov: OP 2.1.ii. ORDER

Description: Failure to maintain records of on-line turbidimeters and laboratory equipment. Failure to comply with Commission Order Docket No. 2010-1414-PWS-E.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)

Rqmt Prov: OP 2.a.iii. ORDER

Description: Failure to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit. Failure to comply with Commission Order Docket No. 2010-1414-PWS-E.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(5)(F)

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failure to have at least one Class "C" or higher operator on duty at the water treatment plant when it is in operation.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to monitor the effectiveness of chemical treatment with accurate testing equipment.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(2)(A)

Description: Failure to measure the disinfectant residual, pH, temperature, and flow rate of the water at least once each day during a time when peak hourly raw water flow rates are occurring.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)

30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: Failure to report the correct turbidity level of the combined filter effluent that is recorded every four hours that the system serves water to the public.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(i)

Description: Failure to provide a functioning electronic record of the turbidity data.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(iii)

Description: Failure to conduct grab sampling every four hours in lieu of continuous turbidity monitoring following the failure of the continuous turbidity monitoring equipment.

Classification: Minor

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

Description: Failure to maintain a copy of the monitoring plan at the water treatment plant.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

**1 Date: 11/14/2013 (1193559) CN600740302**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

**2 Date: 08/26/2014 (1193559) CN600740302**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

30 TAC Chapter 290, SubChapter F 290.109(e)

Description: TCR Repeat MR Violation 06/2014 - Failure to collect and/or submit any or all repeats following a coliform found result within the required timeline.

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TOM GREEN COUNTY FRESH  
WATER SUPPLY DISTRICT 2;  
RN101426047**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2014-1405-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Tom Green County Fresh Water Supply District 2 ("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 at the northwest corner of Lewis Street and 3rd Street, in Christoval, Tom Green County, Texas (the "Facility").<sup>1</sup> The Facility provides water for human consumption, has approximately 230 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).
2. During a record review conducted September 2, 2014, through September 12, 2014, an investigator documented that Respondent:
  - a. Failed to submit routine reports and any additional documentation that the Executive Director may require to determine compliance with the requirements of 30 TEX. ADMIN. CODE ch. 290. Specifically, in a letter from the TCEQ to Respondent dated April 6, 2011, an updated Recycling Practices Report ("RPR") was requested to be completed and submitted within 90 days but was not submitted;
  - b. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the years 2011 and 2012;
  - c. Failed to collect a set of four repeat distribution coliform samples within 24 hours of being notified of a total coliform positive result on a routine sample for the month of June 2014; and
  - d. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed at an approved laboratory, and submit the results

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<sup>1</sup> In previous orders, the Facility location was described as 508 Anson Street, in Christoval, Tom Green County, Texas. This address, however, is the location of Respondent's business office. The Facility itself is located on the northwest corner of Lewis Street and 3rd Street in Christoval, Tom Green County, Texas.

to the Executive Director for the January 1, 2011 through December 31, 2011 and January 1, 2013 through December 31, 2013 monitoring periods.

3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Tom Green County Fresh Water Supply District 2" (the "EDPRP") in the TCEQ Chief Clerk's office on November 10, 2014.
4. By letter dated November 10, 2014, sent to Respondent's last known addresses via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green cards," Respondent received notice of the EDPRP on December 9, 2014, as evidenced by the signatures on the cards.
5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to submit routine reports and any additional documentation that the Executive Director may require to determine compliance with the requirements of 30 TEX. ADMIN. CODE ch. 290, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(C)(iii) and (f)(4).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to collect a set of four repeat coliform samples within 24 hours of being notified of a total coliform positive result on a routine sample, in violation of TEX. HEALTH & SAFETY CODE § 341.033(d) and 30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to collect lead and copper samples at required ten sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1).<sup>2</sup>
6. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
7. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.

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<sup>2</sup> Effective May 15, 2011, 30 TEX. ADMIN. CODE § 290.117 was amended and the requirements in 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1) were added. 36 TEX. REG. 2860. Previously, the requirements in 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1) were required of Respondent under 30 TEX. ADMIN. CODE § 290.117(a)(2)(A) and (m)(1)(B) (effective January 9, 2008) and 40 C.F.R. § 141.86(c), (d)(ii), and (f)(2) (2007).

8. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the 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 one thousand one hundred seventy dollars (\$1,170.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
10. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty in the amount of one thousand one hundred seventy dollars (\$1,170.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to the TCEQ and shall be sent with the notation "Re: Tom Green County Fresh Water Supply District 2; Docket No. 2014-1405-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Order, begin complying with applicable coliform monitoring requirements by collecting repeat distribution coliform monitoring samples and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
  - b. Within 30 days after the effective date of this Order:
    - i. Submit the RPR, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure all future routine lead and copper tap samples are collected, analyzed by an approved laboratory, and the results reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117;
    - iii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, as required by 30 TEX. ADMIN. CODE § 290.274.

- c. Within 45 days after the effective date of this Order:
- i. Submit written certification, in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provisions Nos. 3.b.i., 3.b.ii., and 3.b.iii; and
  - ii. Submit to the Executive Director a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:
- Public Drinking Water Section  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
- d. Within 90 days after the effective date of this Order, begin complying with applicable lead and copper monitoring requirements by collecting the required number of routine lead and copper samples and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon one compliant monitoring period.
- e. Within 205 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provision No. 3.a.
- f. Within 470 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provision No. 3.d.
- g. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, 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 based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Respondent if the Executive Director determines Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF JESS ROBINSON**

**STATE OF TEXAS**

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**COUNTY OF TRAVIS**

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"My name is Jess Robinson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Tom Green County Fresh Water Supply District 2" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on November 10, 2014.

The EDPRP was mailed to Respondent's last known addresses on November 10, 2014, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green cards," Respondent received notice of the EDPRP on December 9, 2014, as evidenced by the signatures on the cards.

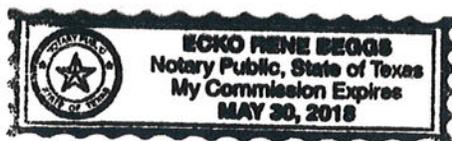
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

*Jess Robinson*

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Jess Robinson, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jess Robinson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Subscribed and sworn to before me on this 27<sup>th</sup> day of January, A.D. 2015.



Notary without Bond

*Ecko R Beggs*

\_\_\_\_\_  
Notary Public, State of Texas