

Executive Summary – Enforcement Matter – Case No. 49261

NORTH CHEROKEE WATER SUPPLY CORPORATION

RN101458727

Docket No. 2014-1290-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

NORTH CHEROKEE WSC, located at the intersection of U.S. Highway 69 and Farm-to-Market Road 177, near Jacksonville, Cherokee County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 19, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,574

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$2,574

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and April 2014

Executive Summary – Enforcement Matter – Case No. 49261
NORTH CHEROKEE WATER SUPPLY CORPORATION
RN101458727
Docket No. 2014-1290-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 11, 2014 through August 22, 2014

Date(s) of NOE(s): August 22, 2014

Violation Information

1. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on the running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to comply with the MCL of 0.080 mg/L for TTHM based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On April 1, 2012, the Respondent transitioned from Stage 1 Disinfection Byproducts monitoring to Stage 2 Disinfection Byproducts monitoring.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the MCL for TTHM based on the locational running annual average.
- b. Within 380 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 49261
NORTH CHEROKEE WATER SUPPLY CORPORATION
RN101458727
Docket No. 2014-1290-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jim Fisher, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2537; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Oscar McAnally, President, NORTH CHEROKEE WATER SUPPLY CORPORATION, P.O. Box 1021, Jacksonville, Texas 75766

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ
DATES

Assigned	25-Aug-2014	Screening	2-Sep-2014	EPA Due	30-Jun-2012
PCW	5-Sep-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	NORTH CHEROKEE WATER SUPPLY CORPORATION		
Reg. Ent. Ref. No.	RN101458727		
Facility/Site Region	5-Tyler	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	49261	No. of Violations	1
Docket No.	2014-1290-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jim Fisher
		EC's Team	Enforcement Team 2

Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000
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Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$2,246	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 2-Sep-2014

Docket No. 2014-1290-PWS-E

PCW

Respondent NORTH CHEROKEE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 49261

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101458727

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

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>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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) 17%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 17%

Screening Date 2-Sep-2014

Docket No. 2014-1290-PWS-E

PCW

Respondent NORTH CHEROKEE WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 49261

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101458727

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

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

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the running annual average. Specifically, it was documented that the running annual average concentrations of TTHM were 0.095 mg/L for the third quarter of 2009, 0.094 mg/L for the fourth quarter of 2009, 0.094 mg/L for the first quarter of 2010, 0.093 mg/L for the second quarter of 2010, 0.101 mg/L for the third quarter of 2010, 0.102 mg/L for the fourth quarter of 2010, 0.094 mg/L for the first quarter of 2011, and 0.094 mg/L for the second quarter of 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (50%).

>> Programmatic Matrix

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

Matrix Notes Exceeding the MCL for TTHM caused the persons served by the Facility to be exposed to significant amounts of pollutants which did not exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 2 Number of violation days 729

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

Violation Base Penalty \$1,000

Two annual events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$2,246

Statutory Limit Test

Violation Final Penalty Total \$1,170

This violation Final Assessed Penalty (adjusted for limits) \$1,170

Economic Benefit Worksheet

Respondent NORTH CHEROKEE WATER SUPPLY CORPORATION

Case ID No. 49261

Reg. Ent. Reference No. RN101458727

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Sep-2009	28-Feb-2016	6.42	\$107	\$2,139	\$2,246
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 implement an alternative form of disinfection, calculated from the last date of the first quarter of noncompliance to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$2,246



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	25-Aug-2014	Screening	2-Sep-2014	EPA Due	30-Jun-2012
	PCW	5-Sep-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	NORTH CHEROKEE WATER SUPPLY CORPORATION		
Reg. Ent. Ref. No.	RN101458727		
Facility/Site Region	5-Tyler	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	49261	No. of Violations	2
Docket No.	2014-1290-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jim Fisher
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 2-Sep-2014

Docket No. 2014-1290-PWS-E

PCW

Respondent NORTH CHEROKEE WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49261

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101458727

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

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>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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%

Please Enter Yes or No

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) 17%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 17%

Screening Date 2-Sep-2014

Docket No. 2014-1290-PWS-E

PCW

Respondent NORTH CHEROKEE WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49261

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101458727

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

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

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the running annual average. Specifically, it was documented that the running annual average concentrations of TTHM were 0.089 mg/L for the fourth quarter of 2011 and 0.085 mg/L for the first quarter of 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent 30.0%	
	Release	Major	Moderate		Minor
	Actual		x		
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent 0.0%

Matrix Notes Exceeding the MCL for TTHM caused the persons served by the Facility to be exposed to significant amounts of pollutants which did not exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 1 Number of violation days 182

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

Violation Base Penalty \$300

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$351

This violation Final Assessed Penalty (adjusted for limits) \$351

Economic Benefit Worksheet

Respondent NORTH CHEROKEE WATER SUPPLY CORPORATION

Case ID No. 49261

Reg. Ent. Reference No. RN101458727

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

The delayed cost is captured in the Economic Benefit Worksheet for Violation No. 1 of the Revision 2 PCW.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 2-Sep-2014

Docket No. 2014-1290-PWS-E

PCW

Respondent NORTH CHEROKEE WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49261

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101458727

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the MCL of 0.080 mg/L for TTHM, based on the locational running annual average. Specifically, it was documented that the locational running annual average concentrations of TTHM at Stage 2 Disinfectant Byproducts Site 1 were 0.097 mg/L for the fourth quarter of 2012, 0.116 mg/L for the first quarter of 2013, 0.101 mg/L for the second quarter 2013, 0.093 mg/L for the third quarter of 2013, 0.109 mg/L for the fourth quarter of 2013, 0.112 mg/L for the first quarter of 2014 and 0.113 mg/L for the second quarter of 2014 and at Stage 2 Disinfectant Byproducts Site 2 were 0.102 mg/L for the fourth quarter of 2012, 0.117 mg/L for the first quarter of 2013, and 0.093 mg/L for the second quarter of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Exceeding the MCL for TTHM caused the persons served by the Facility to be exposed to significant amounts of pollutants which did not exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 3

727 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

mark only one with an x

Violation Base Penalty \$900

Three annual events are recommended (two events for Site 1 and one event for Site 2).

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,053

This violation Final Assessed Penalty (adjusted for limits) \$1,053

Economic Benefit Worksheet

Respondent NORTH CHEROKEE WATER SUPPLY CORPORATION

Case ID No. 49261

Reg. Ent. Reference No. RN101458727

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

The delayed cost is captured in the Economic Benefit Worksheet for Violation No. 1 of the Revision 2 PCW.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

The TCEQ is committed to accessibility.

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



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600650220, RN101458727, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent: CN600650220, NORTH CHEROKEE WATER SUPPLY CORPORATION **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101458727, NORTH CHEROKEE WSC **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - OTHER

Location: LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAY 69 AND FARM-TO-MARKET ROAD 177 NEAR JACKSONVILLE, CHEROKEE COUNTY, TEXAS

TCEQ Region: REGION 05 - TYLER

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0370018 **WATER LICENSING** LICENSE 0370018

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

Date Compliance History Report Prepared: August 28, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 25, 2009 to August 25, 2014

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

Name: Jim Fisher **Phone:** (512) 239-2537

Site and Owner/Operator History:

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

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

- A. Final Orders, court judgments, and consent decrees: N/A
- B. Criminal convictions: N/A
- C. Chronic excessive emissions events: N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.): 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:** 09/11/2013 (1076593) **CN600650220**
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to inspect the interior of a pressure tank.

- 2 **Date:** 02/27/2014 (1191198) **CN600650220**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 4Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 4th quarter of 2013 with a LRAA of 0.109 mg/L at 8620 State HWY 135 N (DBP2-01).

Description: TTHM LRAA MCL 4Q2012 - The system violated the maximum contaminant level for trihalomethanes during the 4th quarter of 2012 with a LRAA of 0.097 mg/L at 8620 State HWY 135 N (DBP2-01) and with a LRAA of 0.102 mg/L at CR 3901 2 MI OFF FM 177 (DBP2-02).

8* Date: 12/21/2012 (1050794) CN600650220
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 291, SubChapter F 291.93(3)
Description: Failure to submit a capacity planning report.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
Description: Failure to flush all dead-end mains each month.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to maintain storage tanks in according with AWWA standards.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to inspect the interior of a pressure tank.

9* Date: 02/22/2013 (1191198) CN600650220
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 1Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2013 with a LRAA of 0.116 mg/L at 8620 State HWY 135 N (DBP2-01) and with a LRAA of 0.117 mg/L at CR 3901 2 MI OFF FM 177 (DBP2-02).

10* Date: 03/22/2013 (1056470) CN600650220
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
Description: Failure to flush all dead-end mains each month.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to maintain storage tanks in according with AWWA standards.

11* Date: 05/07/2013 (1191198) CN600650220
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 2nd quarter of 2013 with a LRAA of 0.101 mg/L at 8620 State HWY 135 N (DBP2-01) and with a LRAA of 0.093 mg/L at CR 3901 2 MI OFF FM 177 (DBP2-02).

12 Date: 09/11/2013 (1076593) CN600650220
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to inspect the interior of a pressure tank.

13 Date: 02/27/2014 (1191198) CN600650220
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 4Q2013 - The system violated the maximum contaminant level

for trihalomethanes during the 4th quarter of 2013 with a LRAA of 0.109 mg/L at 8620 State HWY 135 N (DBP2-01).

14 Date: 05/01/2014 (1191198) CN600650220
Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 1Q2014 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2014 with a LRAA of 0.112 mg/L at 8620 State HWY 135 N (DBP2-01).

15 Date: 06/10/2014 (1191198) CN600650220
Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2014 - The system violated the maximum contaminant level for trihalomethanes during the 2nd quarter of 2014 with a LRAA of 0.113 mg/L at 8620 State HWY 135 N (DBP2-01).

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

Appendix B

All Investigations Conducted During Component Period August 25, 2009 and August 25, 2014

Item 1	January 08, 2010**	(786831) For Informational Purposes Only
Item 2	February 22, 2011**	(891790) For Informational Purposes Only
Item 3	April 14, 2011**	(905424) For Informational Purposes Only
Item 4	December 19, 2012**	(1050794) For Informational Purposes Only
Item 5	March 19, 2013**	(1056470) For Informational Purposes Only
Item 6	September 09, 2013	(1076593) For Informational Purposes Only
Item 7	August 19, 2014	(1191198) For Informational Purposes Only
Item 8	August 22, 2014	(1191481) For Informational Purposes Only

* No violations documented during this investigation

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
NORTH CHEROKEE WATER
SUPPLY CORPORATION
RN101458727**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1290-PWS-E**

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

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at the intersection of United States Highway 69 and Farm-to-Market Road 177 near Jacksonville, Cherokee

County, Texas (the "Facility") that has approximately 1,856 residential service connections and approximately six wholesale/commercial service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from August 11, 2014 through August 22, 2014, TCEQ staff documented that the running annual average concentrations of total trihalomethanes ("TTHM") were 0.095 milligrams per liter ("mg/L") for the third quarter of 2009, 0.094 mg/L for the fourth quarter of 2009, 0.094 mg/L for the first quarter of 2010, 0.093 mg/L for the second quarter of 2010, 0.101 mg/L for the third quarter of 2010, 0.102 mg/L for the fourth quarter of 2010, 0.094 mg/L for the first quarter of 2011, 0.094 mg/L for the second quarter of 2011, 0.089 mg/L for the fourth quarter of 2011 and 0.085 mg/L for the first quarter of 2012.
3. During a record review conducted from August 11, 2014 through August 22, 2014, TCEQ staff documented that the locational running annual average concentrations of TTHM at Stage 2 Disinfectant Byproducts Site 1 were 0.097 mg/L for the fourth quarter of 2012, 0.116 mg/L for the first quarter of 2013, 0.101 mg/L for the second quarter 2013, 0.093 mg/L for the third quarter of 2013, 0.109 mg/L for the fourth quarter of 2013, 0.112 mg/L for the first quarter of 2014 and 0.113 mg/L for the second quarter of 2014 and at Stage 2 Disinfectant Byproducts Site 2 were 0.102 mg/L for the fourth quarter of 2012, 0.117 mg/L for the first quarter of 2013, and 0.093 mg/L for the second quarter of 2013.
4. The Respondent received notice of the violations on August 28, 2014.
5. The Executive Director recognizes that on April 1, 2012 the Respondent transitioned from Stage 1 Disinfection Byproducts ("DBP1") monitoring to Stage 2 Disinfection Byproducts ("DBP2") monitoring.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the MCL of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction;

for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of Two Thousand Five Hundred Seventy-Four Dollars (\$2,574) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Two Thousand Five Hundred Seventy-Four Dollar (\$2,574) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Two Thousand Five Hundred Seventy-Four Dollars (\$2,574) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: NORTH CHEROKEE WATER SUPPLY CORPORATION, Docket No. 2014-1290-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for TTHM based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the

information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

NORTH CHEROKEE WATER SUPPLY CORPORATION

DOCKET NO. 2014-1290-PWS-E

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8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

4/7/15
Date

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

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

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

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

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


Signature

November 12, 2014
Date

Oscar J. McAnally
Name (Printed or typed)
Authorized Representative of
NORTH CHEROKEE WATER SUPPLY CORPORATION

President
Title

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