

Executive Summary – Enforcement Matter – Case No. 49868
NEW WATER SUPPLY CORPORATION
RN105472716
Docket No. 2015-0014-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - PWS, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

New WSC, located at the intersection of County Road 406 and County Road 403 near San Augustine, San Augustine 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: April 17, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,513

Amount Deferred for Expedited Settlement: \$1,502

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,011

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: \$27

Applicable Penalty Policy: September 2002 and April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 7, 2014

Date(s) of NOE(s): December 3, 2014

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NEW WATER SUPPLY CORPORATION
RN105472716
Docket No. 2015-0014-MLM-E

Violation Information

1. Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration standards for construction and operation that is readily accessible outside the chlorination room and failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency. Specifically, it was documented that SCBAs were not available at the four plants that use chlorine gas and a bottle of ammonia was not readily accessible outside Plant No. 2 that uses chlorine gas [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].
2. Failed to provide an intruder-resistant fence at Plant No. 4. Specifically, there was a large gap below the bottom of the fence [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e)].
3. Failed to obtain authorization from the Commission prior to any discharge of wastewater from Plant No. 2. Specifically, backwash water was discharging from the holding tank ponds at Plant No. 2 to nearby drainage ditches without authorization [30 TEX. ADMIN. CODE §§ 305.42(a) and 290.42(i), and TEX. WATER CODE § 26.121(a)].
4. Failed to obtain authorization from the Commission prior to any discharge of wastewater from Plant No. 1. Specifically, backwash water was discharging from the holding tank ponds at Plant No. 1 to nearby drainage ditches without authorization [30 TEX. ADMIN. CODE §§ 305.42(a) and 290.42(i), and TEX. WATER CODE § 26.121(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On October 23, 2014 the Respondent implemented the following corrective measures at the Facility:

- a. Submitted photographic documentation demonstrating that a full-face SCBA has been placed at each plant that uses chlorine gas and that a bottle of ammonia solution has been placed at Plant No. 2; and
- b. Submitted photographic demonstrating that the gap at the bottom of the fence at Plant No. 4 was repaired.

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Docket No. 2015-0014-MLM-E

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately, cease the unauthorized discharge of backwash water from the holding tank ponds at Plant Nos. 1 and 2 until such time that authorization is obtained;
- b. Within 15 days, submit written certification to demonstrate compliance with Ordering Provision a.;
- c. Within 30 days, submit administratively complete permit applications for each discharge of backwash wastewater from the holding ponds at Plant Nos. 1 and 2. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit applications within 15 days after the date of such requests or before any other deadline specified in writing;
- d. Within 180 days, obtain approval of the permit applications for each discharge of backwash wastewater from the holding tanks at Plant Nos. 1 and 2; and
- e. Within 195 days, submit written certification to demonstrate compliance with Ordering Provisions c. and d.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Jerry Fountain, President, NEW WATER SUPPLY CORPORATION, 8135 County Road, Center, Texas 75935
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Dec-2014	Screening	11-Dec-2014	EPA Due	
	PCW	11-Dec-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	NEW WATER SUPPLY CORPORATION
Reg. Ent. Ref. No.	RN105472716
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49868	No. of Violations	1
Docket No.	2015-0014-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,000
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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.

Compliance History	2.0% Enhancement	Subtotals 2, 3, & 7	\$60
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Notes	Enhancement for one dissimilar NOV.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$620	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,060
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$3,060
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,060
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DEFERRAL	20.0% Reduction	Adjustment	-\$612
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$2,448
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Screening Date 11-Dec-2014

Docket No. 2015-0014-MLM-E

PCW

Respondent NEW WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 49868

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105472716

Media [Statute] Water Quality

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>)	0	0%
	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)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one dissimilar NOV.

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

Screening Date 11-Dec-2014

Docket No. 2015-0014-MLM-E

PCW

Respondent NEW WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 49868

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105472716

Media [Statute] Water Quality

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.42(a) and 290.42(i), and Tex. Water Code § 26.121(a)

Violation Description Failed to obtain authorization from the Commission prior to any discharge of wastewater from Plant No. 2. Specifically, backwash water was discharging from the holding tank ponds at Plant No. 2 to nearby drainage ditches without authorization.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

65 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

Three monthly events are recommended, calculated from the date of the investigation, October 7, 2014, to the date of screening, December 11, 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$620

Violation Final Penalty Total \$3,060

This violation Final Assessed Penalty (adjusted for limits) \$3,060

Economic Benefit Worksheet

Respondent NEW WATER SUPPLY CORPORATION
Case ID No. 49868
Reg. Ent. Reference No. RN105472716
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$3,000	14-Jun-2011	1-Aug-2015	4.13	\$620	n/a	\$620
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to obtain authorization for the discharge of backwash wastewater from the holding ponds at Plant No. 2, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$620



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	8-Dec-2014	Screening	11-Dec-2014	EPA Due	
	PCW	11-Dec-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	NEW WATER SUPPLY CORPORATION
Reg. Ent. Ref. No.	RN105472716
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49868	No. of Violations	1
Docket No.	2015-0014-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,750
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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.		
Compliance History	2.0% Enhancement	Subtotals 2, 3, & 7 \$75
Notes	Enhancement for one dissimilar NOV.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5 \$0
Economic Benefit		0.0% Enhancement* Subtotal 6 \$0
Total EB Amounts	\$122	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,825
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
Final Penalty Amount			\$3,825

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,825
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DEFERRAL	20.0% Reduction	Adjustment	-\$765
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	Deferral offered for expedited settlement.		

PAYABLE PENALTY	\$3,060
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Screening Date 11-Dec-2014

Docket No. 2015-0014-MLM-E

PCW

Respondent NEW WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49868

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105472716

Media [Statute] Water Quality

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>)	0	0%
	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) 2%

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

No

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 one dissimilar NOV.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 2%

Screening Date 11-Dec-2014

Docket No. 2015-0014-MLM-E

PCW

Respondent NEW WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49868

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105472716

Media [Statute] Water Quality

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.42(a) and 290.42(i), and Tex. Water Code § 26.121(a)

Violation Description Failed to obtain authorization from the Commission prior to any discharge of wastewater from Plant No. 1. Specifically, backwash water was discharging from the holding tank ponds at Plant No. 1 to nearby drainage ditches without authorization.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

65 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

Three monthly events are recommended, calculated from the date of the investigation, October 7, 2014, to the date of screening, December 11, 2014.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$122

Violation Final Penalty Total \$3,825

This violation Final Assessed Penalty (adjusted for limits) \$3,825

Economic Benefit Worksheet

Respondent NEW WATER SUPPLY CORPORATION
Case ID No. 49868
Reg. Ent. Reference No. RN105472716
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$3,000	7-Oct-2014	1-Aug-2015	0.82	\$122	n/a	\$122
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to obtain authorization for the discharge of backwash wastewater from the holding ponds at Plant No. 1, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$122



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	8-Dec-2014	Screening	11-Dec-2014	EPA Due	
	PCW	11-Dec-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	NEW WATER SUPPLY CORPORATION
Reg. Ent. Ref. No.	RN105472716
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49868	No. of Violations	2
Docket No.	2015-0014-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Epifanio Villarreal
		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	\$780
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	2.0% Enhancement	Subtotals 2, 3, & 7
		\$15

Notes: Enhancement for one dissimilar NOV.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$194
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$13
Estimated Cost of Compliance	\$4,257

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$601
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$601

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$628
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DEFERRAL	20.0% Reduction	Adjustment	-\$125
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$503
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Screening Date 11-Dec-2014

Docket No. 2015-0014-MLM-E

PCW

Respondent NEW WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49868

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105472716

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>)	0	0%
	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) 2%

>> Repeat Violator (Subtotal 3)

No

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 one dissimilar NOV.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 11-Dec-2014

Docket No. 2015-0014-MLM-E

PCW

Respondent NEW WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49868

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105472716

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(A)

Violation Description Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards for construction and operation that is readily accessible outside the chlorination room and failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency. Specifically, it was documented that SCBAs were not available at the four plants that use chlorine gas and a bottle of ammonia was not readily accessible outside Plant No. 2 that uses chlorine gas.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failure to have a full-face SCBA or supplied air respirator that meets OSHA standards in the event of an emergency and failure to provide a bottle of fresh ammonia solution for testing for chlorine leakage could expose employees to contaminants which would exceed levels protective of human health

Adjustment \$850

\$150

Violation Events

Number of Violation Events 5 Number of violation days 16

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

Violation Base Penalty \$750

Five monthly events are recommended (one event per plant without SCBAs and one event for one plant without the bottle of ammonia), calculated from the date of the investigation, October 7, 2014, to the date of compliance, October 23, 2014.

Good Faith Efforts to Comply

25.0%

Reduction \$187

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

Notes The Respondent achieved compliance on October 23, 2014.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$578

This violation Final Assessed Penalty (adjusted for limits) \$578

Economic Benefit Worksheet

Respondent NEW WATER SUPPLY CORPORATION
Case ID No. 49868
Reg. Ent. Reference No. RN105472716
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$4,157	7-Oct-2014	23-Oct-2014	0.04	\$1	\$12	\$13
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a full-face SCBA at the four plants that use chlorine gas (\$1,033 x four plants) and provide a bottle of fresh ammonia solution (\$25) outside Plant No. 2 that uses chlorine gas, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,157

TOTAL

\$13

Screening Date 11-Dec-2014

Docket No. 2015-0014-MLM-E

PCW

Respondent NEW WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49868

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105472716

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

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

Violation Description Failed to provide an intruder-resistant fence at Plant No. 4. Specifically, there was a large gap below the bottom of the fence.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					3.0%
Potential			x		

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Matrix Notes Failure to provide an intruder-resistant fence for Plant No. four could expose customers of Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 1 Number of violation days 16

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

Violation Base Penalty \$30

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$7

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

Notes The Respondent achieved compliance on October 23, 2014.

Violation Subtotal \$23

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$24

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent NEW WATER SUPPLY CORPORATION
Case ID No. 49868
Reg. Ent. Reference No. RN105472716
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)	\$100	7-Oct-2014	23-Oct-2014	0.04	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the fence at Plant No. 4, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

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 CN602577223, RN105472716, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN602577223, NEW WATER SUPPLY CORPORATION
Classification: UNCLASSIFIED **Rating:** -----

Regulated Entity: RN105472716, NEW WSC
Classification: UNCLASSIFIED **Rating:** -----

Complexity Points: 3
Repeat Violator: NO

CH Group: 14 - Other

Location: LOCATED AT INTERSECTION OF CR 406 AND CR 403 NEAR SAN AUGUSTINE, SAN AUGUSTINE COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2030034 **WATER QUALITY NON PERMITTED ID NUMBER** R10105472716

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

Date Compliance History Report Prepared: January 05, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 05, 2009 to January 05, 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:**
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: 03/27/2013 (1053645) CN602577223
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure by NEW water system to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 milligrams per liter (mg/L) free chlorine.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)(A)
Description: Failure by NEW water system to issue a boil water notice in accordance with the requirements of 290.46(q).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
NEW WATER SUPPLY
CORPORATION
RN105472716**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2015-0014-MLM-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding NEW WATER SUPPLY CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at the intersection of County Road 406 and County Road 403 near San Augustine, San Augustine County, Texas (the "Facility") that has approximately 374 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 8, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Seven Thousand Five Hundred Thirteen Dollars (\$7,513) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Eleven Dollars (\$6,011) of the administrative penalty and One Thousand Five Hundred Two Dollars (\$1,502) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on October 23, 2014 the Respondent implemented the following corrective measures at the Facility:
 - a. Submitted photographic documentation demonstrating that a full-face self-contained breathing apparatus ("SCBA") has been placed at each plant that uses chlorine gas and that a bottle of ammonia solution has been placed at Plant No. 2; and
 - b. Submitted photographic documentation demonstrating that the gap at the bottom of the fence at Plant No. 4 was repaired.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to provide a full-face SCBA or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards for construction and operation that is readily accessible outside the chlorination room and failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that

is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A), as documented during an investigation conducted on October 7, 2014. Specifically, it was documented that SCBAs were not available at the four plants that use chlorine gas and a bottle of ammonia was not readily accessible outside Plant No. 2 that uses chlorine gas.

2. Failed to provide an intruder-resistant fence at Plant No. 4, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e), as documented during an investigation conducted on October 7, 2014. Specifically, there was a large gap below the bottom of the fence.
3. Failed to obtain authorization from the Commission prior to any discharge of wastewater from Plant No. 2, in violation of 30 TEX. ADMIN. CODE §§ 305.42(a) and 290.42(i), and TEX. WATER CODE § 26.121(a), as documented during investigations conducted on June 14, 2011 and October 7, 2014. Specifically, backwash water was discharging from the holding tank ponds at Plant No. 2 to nearby drainage ditches without authorization.
4. Failed to obtain authorization from the Commission prior to any discharge of wastewater from Plant No. 1, in violation of 30 TEX. ADMIN. CODE §§ 305.42(a) and 290.42(i), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on October 7, 2014. Specifically, backwash water was discharging from the holding tank ponds at Plant No. 1 to nearby drainage ditches without authorization.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: NEW WATER SUPPLY CORPORATION, Docket No. 2015-0014-MLM-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. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, cease the unauthorized discharge of backwash water from the holding tank ponds at Plant Nos. 1 and 2 until such time that authorization is obtained;
- b. Within 15 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 30 days after the effective date of this Agreed Order, submit administratively complete permit applications for each discharge of backwash wastewater from the holding ponds at Plant Nos. 1 and 2 to:

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

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

- d. Within 180 days after the effective date of this Agreed Order, obtain approval of the permit applications for each discharge of backwash wastewater from the holding tanks at Plant Nos. 1 and 2, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- e. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c., and 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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. If the Respondent fails to comply with Ordering Provision Nos. 2.a. through 2.e. above within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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.
6. 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.
7. 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramon Manrique J
For the Executive Director

10/7/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, 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.

Stacy Fountain
Signature

07/7/15
Date

Jerry Fountain
Name (Printed or typed)
Authorized Representative of
NEW 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 IV, Paragraph 1 of this Agreed Order.