

City of Carl's Corner
RN101391852
Docket No. 2015-1283-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

2100 Linda Road East, Carl's Corner, Hill County

Type of Operation:

public water supply

Other Significant Matters:

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

Texas Register Publication Date: July 1, 2016

Comments Received: None

Penalty Information

Total Penalty Assessed: \$16,345

Total Paid to General Revenue: \$16,192

Total Due to General Revenue: \$153

Payment due within 30 days

Compliance History Classifications:

Person/CN – N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: \$19 enhancement (PCW 2)

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

City of Carl's Corner
RN101391852
Docket No. 2015-1283-PWS-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: June 23, 2015
Date(s) of NOV(s): N/A
Date(s) of NOE(s): August 20, 2015

Violation Information

1. Failed to provide a well capacity of 0.6 gallons per minute per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i); and TCEQ Agreed Order Docket No. 2009-1496-PWS-E, Ordering Provision No. 2.g.]
2. Failed to maintain the pressure tank and all associated appurtenances thoroughly tight against leakage [30 TEX. ADMIN. CODE § 290.43(d)(7)].
3. Failed to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters [30 TEX. ADMIN. CODE § 290.41(c)(3)(L)].
4. Failed to provide disinfection facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use [30 TEX. ADMIN. CODE § 290.42(e)(3)(D)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. Tightened the loose pressure tank connection to prevent leakage (Violation No. 2.);
2. Demonstrated that the well blow-off line discharge opening now terminates in a downward direction (Violation No. 3); and
3. Provided disinfection facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use (Violation No. 4).

Technical Requirements:

1. Within 90 days, provide a total well production capacity of 0.6 gpm per connection.
2. Within 105 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: February 12, 2016
Date Answer Filed: N/A
Settlement Date: May 31, 2016

Contact Information

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

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

TCEQ Regional Contact: Richard Monreal, Waco Regional Office, (254) 751-0335

Respondent Contact: Carl Cornelius, Mayor, City of Carl's Corner, P.O. Box 500, Carl's Corner, Texas 76645

Respondent's Attorney: Bob McGregor, City Attorney, City of Carl's Corner, P.O. Box 500, Carl's Corner, Texas 76645



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 21-Aug-2015 | Screening | 24-Aug-2015 | EPA Due | |
| | PCW | 24-Aug-2015 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | |
|-----------------------------|-----------------------|---------------------------|-------|
| Respondent | City of Carl's Corner | | |
| Reg. Ent. Ref. No. | RN101391852 | | |
| Facility/Site Region | 9-Waco | Major/Minor Source | Minor |

CASE INFORMATION

| | | | |
|--|---------------------|------------------------------|---------------------|
| Enf./Case ID No. | 38363 | No. of Violations | 1 |
| Docket No. | 2015-1283-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | | 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** **\$12,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **27.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,442**

Notes: Enhancement for one dissimilar NOV and one agreed order without a denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts **\$21,863**
 Estimated Cost of Compliance **\$60,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$16,192**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$16,192**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$16,192**

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

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$16,192**

| | | | | |
|--------------------------------|-----------------------|-------------------|-----------------|---|
| Screening Date | 24-Aug-2015 | Docket No. | 2015-1283-PWS-E | PCW |
| Respondent | City of Carl's Corner | | | <i>Policy Revision 2 (September 2002)</i> |
| Case ID No. | 38363 | | | <i>PCW Revision October 30, 2008</i> |
| Reg. Ent. Reference No. | RN101391852 | | | |
| 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 | 1 | 25% |
| 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 and one agreed order without a denial of liability.

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

| | | | | |
|--------------------------------|-----------------------|-------------------|-----------------|---|
| Screening Date | 24-Aug-2015 | Docket No. | 2015-1283-PWS-E | PCW |
| Respondent | City of Carl's Corner | | | <i>Policy Revision 2 (September 2002)</i> |
| Case ID No. | 38363 | | | <i>PCW Revision October 30, 2008</i> |
| Reg. Ent. Reference No. | RN101391852 | | | |
| Media [Statute] | Public Water Supply | | | |
| Enf. Coordinator | Epifanio Villarreal | | | |

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(B)(i) and Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2009-1496-PWS-E, Ordering Provision No. 2.g.

Violation Description Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, it was documented that the Facility has 48 service connections and must provide a minimum well capacity of 28.8 gpm. However, only 10.1 gpm are currently provided, which is a 65% deficiency.

Base Penalty

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|--------------------------------|----------------------|----------------------|----------------------------------|
| | | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="25%"/> |
| | Potential | <input type="text" value="x"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|----------------------|----------------------|----------------------|----------------------|---------------------------------|
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="0%"/> |

Matrix Notes Failure to provide adequate well capacity may result in water shortages or outages which could expose customers to contaminants that would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Fifty-one monthly events are recommended, calculated from the effective date of TCEQ Agreed Order 2009-1496-PWS-E, June 20, 2011, to the screening date, August 24, 2015.

Good Faith Efforts to Comply

Reduction

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|--------------------------------|----------------------|
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> |
| N/A | <input type="text" value="x"/> | (mark w th x) |

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Carl's Corner
Case ID No. 38363
Reg. Ent. Reference No. RN101391852
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) | \$60,000 | 20-Jun-2011 | 1-Sep-2016 | 5.21 | \$1,041 | \$20,822 | \$21,863 |
| 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 minimum well capacity of 0.6 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-1496-PWS-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

| | | | |
|-----------------------------------|----------|--------------|----------|
| Approx. Cost of Compliance | \$60,000 | TOTAL | \$21,863 |
|-----------------------------------|----------|--------------|----------|



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 17-Aug-2015 | Screening | 24-Aug-2015 | EPA Due | |
| | PCW | 24-Aug-2015 | | | | |

| | |
|--|-----------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | City of Carl's Corner |
| Reg. Ent. Ref. No. | RN101391852 |
| Facility/Site Region | 9-Waco |
| Major/Minor Source | Minor |

| | | | |
|--|---------------------|------------------------------|---------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 38363 | No. of Violations | 3 |
| Docket No. | 2015-1283-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | | 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 | \$130 |
|---|-------------------|-------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------|--------------------------------|------|
| Compliance History | 27.0% Enhancement | Subtotals 2, 3, & 7 | \$35 |
|---------------------------|-------------------|--------------------------------|------|

Notes: Enhancement for one dissimilar NOV and one agreed order without a denial of liability.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | -\$31 |
|--|-------------------|-------|

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

Total EB Amounts: \$1
 Estimated Cost of Compliance: \$650
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|-------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$134 |
|-----------------------------|-----------------------|-------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|-------|
| Final Penalty Amount | \$134 |
|-----------------------------|-------|

| | | |
|-----------------------------------|-------------------------------|-------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$153 |
|-----------------------------------|-------------------------------|-------|

| | | | |
|-----------------|----------------|-------------------|-----|
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
|-----------------|----------------|-------------------|-----|

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

Notes:

No deferral is recommended for Findings Orders.

| | |
|------------------------|-------|
| PAYABLE PENALTY | \$153 |
|------------------------|-------|

Screening Date 24-Aug-2015

Docket No. 2015-1283-PWS-E

PCW

Respondent City of Carl's Corner

Policy Revision 4 (April 2014)

Case ID No. 38363

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101391852

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 | 1 | 25% |
| 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) 27%

>> 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 one dissimilar NOV and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 27%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 27%

| | | | | |
|--------------------------------|-----------------------|-------------------|-----------------|---------------------------------------|
| Screening Date | 24-Aug-2015 | Docket No. | 2015-1283-PWS-E | PCW |
| Respondent | City of Carl's Corner | | | <i>Policy Revision 4 (April 2014)</i> |
| Case ID No. | 38363 | | | <i>PCW Revision March 26, 2014</i> |
| Reg. Ent. Reference No. | RN101391852 | | | |
| Media [Statute] | Public Water Supply | | | |
| Enf. Coordinator | Epifanio Villarreal | | | |

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------------|---|----------------------|----------------------|--|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="5.0%"/> |
| Potential | <input type="text"/> | <input checked="" type="text" value="x"/> | <input type="text"/> | | |

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | | | |
|--------------------------------|--------------|---|---|
| <i>mark only one with an x</i> | daily | <input type="text"/> | Violation Base Penalty <input type="text" value="\$50"/> |
| | weekly | <input type="text"/> | |
| | monthly | <input type="text"/> | |
| | quarterly | <input checked="" type="text" value="x"/> | |
| | semiannual | <input type="text"/> | |
| | annual | <input type="text"/> | |
| | single event | <input type="text"/> | |

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Carl's Corner
Case ID No. 38363
Reg. Ent. Reference No. RN101391852
Media Public Water Supply
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|-----|-----|
| Equipment | \$100 | 23-Jun-2015 | 2-Jul-2015 | 0.02 | \$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 includes the estimated amount to repair the leak on the pressure tank connection, 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

| | | | | |
|--------------------------------|-----------------------|-------------------|-----------------|---------------------------------------|
| Screening Date | 24-Aug-2015 | Docket No. | 2015-1283-PWS-E | PCW |
| Respondent | City of Carl's Corner | | | <i>Policy Revision 4 (April 2014)</i> |
| Case ID No. | 38363 | | | <i>PCW Revision March 26, 2014</i> |
| Reg. Ent. Reference No. | RN101391852 | | | |
| Media [Statute] | Public Water Supply | | | |
| Enf. Coordinator | Epifanio Villarreal | | | |

Violation Number

Rule Cite(s)

Violation Description Failed to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters. Specifically, it was documented that the well blow-off line discharge opening terminated horizontally.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes Failure to provide a blow-off line discharge opening that terminates in a downward direction may allow for the introduction of an insignificant amount of contaminants to the drinking water supply which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes The Respondent achieved compliance on July 2, 2015.

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Carl's Corner
Case ID No. 38363
Reg. Ent. Reference No. RN101391852
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) | \$50 | 23-Jun-2015 | 2-Jul-2015 | 0.02 | \$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 install a well blow-off line discharge opening that terminates in a downward direction, 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 \$50

TOTAL \$0

| | | | | |
|--------------------------------|-----------------------|-------------------|-----------------|---------------------------------------|
| Screening Date | 24-Aug-2015 | Docket No. | 2015-1283-PWS-E | PCW |
| Respondent | City of Carl's Corner | | | <i>Policy Revision 4 (April 2014)</i> |
| Case ID No. | 38363 | | | <i>PCW Revision March 26, 2014</i> |
| Reg. Ent. Reference No. | RN101391852 | | | |
| Media [Statute] | Public Water Supply | | | |
| Enf. Coordinator | Epifanio Villarreal | | | |

| | |
|------------------------------|--|
| Violation Number | 3 |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.42(e)(3)(D) |
| Violation Description | Failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use. |
| Base Penalty | \$1,000 |

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------|-------------|----------|-------|---------------------|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | | | | |
| | Potential | | x | | Percent 5.0% |

>> Programmatic Matrix

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | |
| | | | | | Percent 0.0% |

Matrix Notes

Failure to provide facilities for determining the amount of disinfectant and the amount remaining for use would not allow means for proper levels of disinfection and customers of the water supply could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events: 1 9 Number of violation days

| | | |
|--------------------------------|--------------|---|
| <i>mark only one with an x</i> | daily | |
| | weekly | |
| | monthly | |
| | quarterly | x |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$50

One quarterly event is recommended from the date of the investigation, June 23 2015, to the date of compliance, July 2, 2015.

Good Faith Efforts to Comply 25.0% Reduction \$12

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

Notes

The Respondent achieved compliance on July 2, 2015.

Violation Subtotal \$38

| | |
|---|------------------------------------|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount \$1 | Violation Final Penalty Total \$52 |
| This violation Final Assessed Penalty (adjusted for limits) \$52 | |

Economic Benefit Worksheet

Respondent City of Carl's Corner
Case ID No. 38363
Reg. Ent. Reference No. RN101391852
Media Public Water Supply
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|-----|-----|
| Equipment | \$500 | 23-Jun-2015 | 2-Jul-2015 | 0.02 | \$0 | \$1 | \$1 |
| 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 includes the estimated amount to provide facilities for determining the amount of disinfectant used and remaining for use, 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 \$500

TOTAL \$1

The TCEQ is committed to accessibility.

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



Compliance History Report

PUBLISHED Compliance History Report for CN600658751, RN101391852, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600658751, City of Carl's Corner **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101391852, City of Carl's Corner **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 2100 Linda Road East, Carl's Corner, Hill County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1090070
WATER LICENSING LICENSE 1090070

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

Date Compliance History Report Prepared: August 24, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 24, 2010 to August 24, 2015

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

Name: Epi Villarreal

Phone: (361) 825-3425

Site and Owner/Operator History:

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

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

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

- 1 **Effective Date:** 06/20/2011 **ADMINORDER** 2009-1496-PWS-E **(Findings Order-Agreed Order Without Denial)**
 - Classification:** Moderate
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.46(r)
 - Description:** Failed to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions.
 - Classification:** Major
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)
 - Rqmt Prov:** 3.g.i. ORDER
 - Description:** Failed to provide a well production capacity of 0.6 gpm per connection.
 - Classification:** Minor
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
 - Description:** Failed to ensure that the roof access opening on the ground storage tank remains locked except during inspection and maintenance activities.
 - Classification:** Minor
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
 - Description:** Failed to provide the overflow on the ground storage tank with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch.
 - Classification:** Minor
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.46(m)
 - Description:** Failed to initiate maintenance and housekeeping practices to ensure a good general appearance of the Facility.
 - Classification:** Minor
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
 - Description:** Failed to maintain the exterior coating on the ground storage tanks in accordance with AWWA standards.
 - Classification:** Major
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
 - Rqmt Prov:** 3.e.ii. ORDER
 - Description:** Failed to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions.
 - Classification:** Major
 - Citation:** 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 - Rqmt Prov:** OP 3.c.i. ORDER
 - Description:** Failed to provide operating records at the time of the investigation.

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: 10/23/2014 (1195707) CN600658751

Self Report? NO Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain a minimum free chlorine residual of 0.2 mg/L throughout the distribution system.

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
CITY OF CARL'S CORNER;
RN101391852**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2015-1283-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Carl's Corner ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE CH. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 2100 Linda Road East in Carl's Corner, Hill County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 48 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. During an investigation commenced on June 23, 2015, an investigator documented that Respondent:
 - a. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility provides a well capacity of 10.1 gpm for 48 connections, which is a 65% deficiency;
 - b. Failed to maintain the pressure tank and all associated appurtenances thoroughly tight against leakage. Specifically, a leak was noted on one of the pressure tank connections;
 - c. Failed to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters. Specifically, the well blow-off line discharge opening terminated horizontally; and

- d. Failed to provide disinfection facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use.
3. The Executive Director recognizes that, on July 2, 2015, Respondent implemented the following corrective measures at the Facility:
 - a. Tightened the loose pressure tank connection to prevent leakage (Finding of Fact No. 2.b.);
 - b. Demonstrated that the well blow-off line discharge opening now terminates in a downward direction (Finding of Fact No. 2.c.); and
 - c. Provided disinfection facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use (Finding of Fact No. 2.d.).

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide a well capacity of 0.6 gpm per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i); and TCEQ Agreed Order Docket No. 2009-1496-PWS-E, Ordering Provision No. 2.g.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain the pressure tank and all associated appurtenances thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(7).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(L).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide disinfection facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3)(D).
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of sixteen thousand three hundred forty-five dollars (\$16,345.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Respondent paid sixteen thousand one hundred ninety-two dollars (\$16,192.00) of the penalty. The remaining amount of one hundred fifty-three dollars (\$153.00) shall be paid within 30 days after the effective date of this Order. Respondent's failure to timely and satisfactorily comply with the payment requirements of this Order constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 7 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: City of Carl's Corner, Docket No. 2015-1283-PWS-E" to:

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

2. Respondent shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Order, provide a total well production capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 2).
 - b. Within 105 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

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

and:

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

and:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
7. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

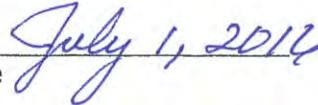
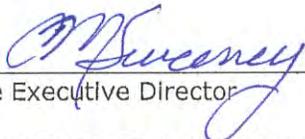
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

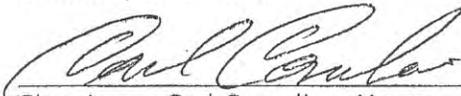


I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

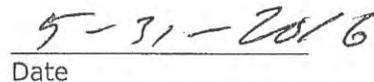
- A negative Impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt; injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;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

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



Signature - Carl Cornelius, Mayor
City of Carl's Corner
P.O. Box 500
Carl's Corner, Texas 76645

Date



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