

# TCEQ Interoffice Memorandum

---

**To:** Mary Smith, General Counsel

**Thru:** *MBC* Melissa Cordell, Assistant Deputy Director  
Enforcement Division

**From:** *MP* Michael Parrish, Agenda Special Assistant  
Enforcement Division

**Date:** May 23, 2025

**Subject:** **Backup Revision**  
**June 6, 2025 Commission Agenda**  
Draft Item No. 11 – Abraxas Corporation  
Docket No. 2019-1778-PWS-E

Enclosed please find the following:

**Executive Summary**

- Page 2, Investigation Information, Date(s) of Investigation – Add August 13, 2020 investigation date
- Page 2, Violation Information, Violation No. 2 – Include missing violation information.

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel  
Melissa Schmidt, Public Interest Counsel  
Gill Valls, Office of General Counsel  
Katherine McKenzie, Agenda Coordinator, Litigation Division  
Amy Settemeyer, Deputy Director, Enforcement Division  
Melissa Cordell, Assistant Deputy Director, Enforcement Division  
Megan Hamilton, Manager, Drinking Water Section, Enforcement Division  
Steven Hall, Team Leader, Drinking Water Section Enforcement Division  
Samantha Salas, Enforcement Coordinator, Drinking Water Section,  
Enforcement Division

**Executive Summary – Enforcement Matter – Case No. 59421**  
**ABRAXAS CORPORATION**  
**RN102678885**  
**Docket No. 2019-1778-PWS-E**

update from the water system. The water also has a milky appearance and causes the complainant's skin to break out.

**Date(s) of Investigation:** October 28, 2019 through October 30, 2019, July 20, 2020 through July 31, 2020, **August 13, 2020**, and August 31, 2020

**Date(s) of NOE(s):** October 23, 2020

***Violation Information***

1. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to issue a boil water notice to customers of the Facility within 24 hours of a low disinfectant residual **using the prescribed format in 30 TEX. ADMIN. CODE § 290.47(c)** [30 TEX. ADMIN. CODE § 290.46(q)(1)].
3. Failed to provide the results of radionuclides sampling to the Executive Director ("ED") [30 TEX. ADMIN. CODE § 290.108(e)].
4. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
5. Failed to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the ED [30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1)].
6. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to comply with the maximum contaminant level ("MCL") for combined radium [30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f)].
7. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to comply with the MCL for combined radium [30 TEX. ADMIN. CODE § 290.122(b)(2)(A) and (f)].
8. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 15596 [30 TEX. ADMIN. CODE § 291.76 and TEX. WATER CODE § 5.702].
9. Failed to issue a boil water notice to customers of the Facility within 24 hours of a water outage [30 TEX. ADMIN. CODE § 290.46(q)(1) and (2)].

**Executive Summary – Enforcement Matter – Case No. 59421**  
**ABRAXAS CORPORATION**  
**RN102678885**  
**Docket No. 2019-1778-PWS-E**

update from the water system. The water also has a milky appearance and causes the complainant's skin to break out.

**Date(s) of Investigation:** October 28, 2019 through October 30, 2019, July 20, 2020 through July 31, 2020, August 13, 2020, and August 31, 2020

**Date(s) of NOE(s):** October 23, 2020

***Violation Information***

1. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to issue a boil water notice to customers of the Facility within 24 hours of a low disinfectant residual using the prescribed format in 30 TEX. ADMIN. CODE § 290.47(c) [30 TEX. ADMIN. CODE § 290.46(q)(1)].
3. Failed to provide the results of radionuclides sampling to the Executive Director ("ED") [30 TEX. ADMIN. CODE § 290.108(e)].
4. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
5. Failed to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the ED [30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1)].
6. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to comply with the maximum contaminant level ("MCL") for combined radium [30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f)].
7. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to comply with the MCL for combined radium [30 TEX. ADMIN. CODE § 290.122(b)(2)(A) and (f)].
8. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 15596 [30 TEX. ADMIN. CODE § 291.76 and TEX. WATER CODE § 5.702].
9. Failed to issue a boil water notice to customers of the Facility within 24 hours of a water outage [30 TEX. ADMIN. CODE § 290.46(q)(1) and (2)].

**Executive Summary – Enforcement Matter – Case No. 59421**

**ABRAXAS CORPORATION**

**RN102678885**

**Docket No. 2019-1778-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

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

Abraxas Utilities, located at the corner of Luna Vista Drive and Hillcroft Road, approximately 5 miles west of Interstate 820 Loop, Fort Worth, Parker County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2024-1626-PWS-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** March 21, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,365

**Amount Deferred for Financial Inability to Pay:** \$9,165

Confidential information, which may include financial or medical information, has been provided to the Commission for their consideration.

**Total Paid to General Revenue:** \$100

**Total Due to General Revenue:** \$1,100

Payment Plan: 11 payments of \$100 each

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** August 29, 2020 and October 24, 2019

**Complaint Information:** Alleged there was a water outage that spanned a few hours. Also alleged unsafe drinking water. The complainant was constantly on a boil water notice and stated they have been on one for the last four months and have gotten no

**Executive Summary – Enforcement Matter – Case No. 59421**  
**ABRAXAS CORPORATION**  
**RN102678885**  
**Docket No. 2019-1778-PWS-E**

update from the water system. The water also has a milky appearance and causes the complainant's skin to break out.

**Date(s) of Investigation:** October 28, 2019 through October 30, 2019, July 20, 2020 through July 31, 2020, and August 31, 2020

**Date(s) of NOE(s):** October 23, 2020

***Violation Information***

1. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to issue a boil water notice to customers of the Facility within 24 hours of a low disinfectant residual [30 TEX. ADMIN. CODE § 290.46(q)(1)].
3. Failed to provide the results of radionuclides sampling to the Executive Director ("ED") [30 TEX. ADMIN. CODE § 290.108(e)].
4. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
5. Failed to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the ED [30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1)].
6. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to comply with the maximum contaminant level ("MCL") for combined radium [30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f)].
7. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to comply with the MCL for combined radium [30 TEX. ADMIN. CODE § 290.122(b)(2)(A) and (f)].
8. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 15596 [30 TEX. ADMIN. CODE § 291.76 and TEX. WATER CODE § 5.702].
9. Failed to issue a boil water notice to customers of the Facility within 24 hours of a water outage [30 TEX. ADMIN. CODE § 290.46(q)(1) and (2)].

**Executive Summary – Enforcement Matter – Case No. 59421**  
**ABRAXAS CORPORATION**  
**RN102678885**  
**Docket No. 2019-1778-PWS-E**

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent issued a boil water notice on October 30, 2019 due to a low disinfectant residual and August 31, 2020 due to a water outage.

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Ensure that all delinquent drinking water chemical analysis results for radionuclides are reported to the ED or demonstrate that a compliance schedule has been established;

ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for radionuclides are released by the Facility's laboratories and reported to the ED within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first;

iii. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers;

iv. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the ED within ten days following the end of each monitoring period;

v. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the ED within ten days following the end of the monitoring period. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the ED for one compliant monitoring period;

vi. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to comply with the MCL for combined radium for the first quarter of 2018, second quarter of 2018, third quarter of 2019, and fourth quarter of 2019 monitoring periods;

vii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the

**Executive Summary – Enforcement Matter – Case No. 59421**

**ABRAXAS CORPORATION**

**RN102678885**

**Docket No. 2019-1778-PWS-E**

public notification, accompanied with a signed Certificate of Delivery, is submitted to the ED;

viii. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 15596 for the 2019 calendar year;

ix. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure a disinfectant residual concentration of at least 0.2 mg/L of free chlorine is maintained throughout the distribution system at all times;

x. Maintain a disinfectant residual concentration of at least 0.2 mg/L of free chlorine at all times. This provision will be satisfied upon the delivery of disinfectant residual results to the ED for one compliant month; and

xi. Develop a written protocol to ensure that all future boil water notifications for water outages are provided to customers of the Facility within 24 hours.

b. Within 45 days:

i. Submit written certification to demonstrate compliance with a.i., a.ii., a.iii., a.iv., a.vi., a.vii., a.ix., and a.xi.; and

ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.

c. Within 60 days, submit written certification to demonstrate compliance with b.ii.

d. Within 75 days, submit written certification to demonstrate compliance with a.x.

e. Within 225 days, submit written certification to demonstrate compliance with a.v.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Samantha Salas, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1543; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Laura Farhood Warren, General Manager, ABRAXAS CORPORATION, 7921 Main Street, North Richland Hills, Texas 76182

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

**TCEQ**

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 16-Dec-2019 | <b>Screening</b> | 18-Dec-2019 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 8-Jun-2020  |                  |             |                |  |

## RESPONDENT/FACILITY INFORMATION

|                             |                                 |  |                           |       |  |
|-----------------------------|---------------------------------|--|---------------------------|-------|--|
| <b>Respondent</b>           | ABRAXAS CORPORATION (PCW No. 1) |  |                           |       |  |
| <b>Reg. Ent. Ref. No.</b>   | RN102678885                     |  |                           |       |  |
| <b>Facility/Site Region</b> | 4-Dallas/Fort Worth             |  | <b>Major/Minor Source</b> | Minor |  |

## CASE INFORMATION

|  |                     |                              |                    |
|--|---------------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 59421               | <b>No. of Violations</b>     | 2                  |
| <b>Docket No.</b>                      | 2019-1778-PWS-E     | <b>Order Type</b>            | Findings           |
| <b>Media Program(s)</b>                | Public Water Supply | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                     | <b>Enf. Coordinator</b>      | Samantha Salas     |
|  |                     | <b>EC's Team</b>             | Enforcement Team 8 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$50                | <b>Maximum</b>               | \$5,000            |

## Penalty Calculation Section

|   |                   |                |
|---|-------------------|----------------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | <b>\$1,500</b> |
|---|-------------------|----------------|

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

|                           |              |                   |                                |                |
|---------------------------|--------------|-------------------|--------------------------------|----------------|
| <b>Compliance History</b> | <b>81.0%</b> | <b>Adjustment</b> | <b>Subtotals 2, 3, &amp; 7</b> | <b>\$1,215</b> |
|---------------------------|--------------|-------------------|--------------------------------|----------------|

Notes: Enhancement for six NOV's with the same/similar violations, three NOV's with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

|                    |    |             |                    |                   |            |
|--------------------|----|-------------|--------------------|-------------------|------------|
| <b>Culpability</b> | No | <b>0.0%</b> | <b>Enhancement</b> | <b>Subtotal 4</b> | <b>\$0</b> |
|--------------------|----|-------------|--------------------|-------------------|------------|

Notes: The Respondent does not meet the culpability criteria.

|  |                   |               |
|--|-------------------|---------------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | <b>-\$187</b> |
|--|-------------------|---------------|

|                         |             |                     |                   |            |
|-------------------------|-------------|---------------------|-------------------|------------|
| <b>Economic Benefit</b> | <b>0.0%</b> | <b>Enhancement*</b> | <b>Subtotal 6</b> | <b>\$0</b> |
|-------------------------|-------------|---------------------|-------------------|------------|

Total EB Amounts: \$108  
Estimated Cost of Compliance: \$300  
\*Capped at the Total EB \$ Amount

|                             |                       |                |
|-----------------------------|-----------------------|----------------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | <b>\$2,528</b> |
|-----------------------------|-----------------------|----------------|

|   |             |                   |              |
|---|-------------|-------------------|--------------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | <b>4.0%</b> | <b>Adjustment</b> | <b>\$100</b> |
|---|-------------|-------------------|--------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 1.

|                             |                |
|-----------------------------|----------------|
| <b>Final Penalty Amount</b> | <b>\$2,628</b> |
|-----------------------------|----------------|

|                                   |                               |                |
|-----------------------------------|-------------------------------|----------------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | <b>\$2,628</b> |
|-----------------------------------|-------------------------------|----------------|

|                 |             |                  |                   |            |
|-----------------|-------------|------------------|-------------------|------------|
| <b>DEFERRAL</b> | <b>0.0%</b> | <b>Reduction</b> | <b>Adjustment</b> | <b>\$0</b> |
|-----------------|-------------|------------------|-------------------|------------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

|                        |                |
|------------------------|----------------|
| <b>PAYABLE PENALTY</b> | <b>\$2,628</b> |
|------------------------|----------------|



|                                |                                 |                   |                 |                                       |
|--------------------------------|---------------------------------|-------------------|-----------------|---------------------------------------|
| <b>Screening Date</b>          | 18-Dec-2019                     | <b>Docket No.</b> | 2019-1778-PWS-E | <b>PCW</b>                            |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 1) |                   |                 | <i>Policy Revision 4 (April 2014)</i> |
| <b>Case ID No.</b>             | 59421                           |                   |                 | <i>PCW Revision September 1, 2019</i> |
| <b>Reg. Ent. Reference No.</b> | RN102678885                     |                   |                 |                                       |
| <b>Media</b>                   | Public Water Supply             |                   |                 |                                       |
| <b>Enf. Coordinator</b>        | Samantha Salas                  |                   |                 |                                       |

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Number | 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> )  | 6      | 30%     |
|                               | Other written NOVs   | 3      | 6%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 1      | 20%     |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 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%      |
| 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)** 81%

#### >> Repeat Violator (Subtotal 3)

N/A **Adjustment Percentage (Subtotal 3)** 0%

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

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

#### >> Compliance History Summary

##### Compliance History Notes

Enhancement for six NOVs with the same/similar violations, three NOVs with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 81%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 81%

|                                |  |                                       |                 |            |
|--------------------------------|--|---------------------------------------|-----------------|------------|
| <b>Screening Date</b>          | 18-Dec-2019  | <b>Docket No.</b>                     | 2019-1778-PWS-E | <b>PCW</b> |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 1)  |                                       |                 |            |
| <b>Case ID No.</b>             | 59421  | <i>Policy Revision 4 (April 2014)</i> |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102678885  | <i>PCW Revision September 1, 2019</i> |                 |            |
| <b>Media</b>                   | Public Water Supply  |                                       |                 |            |
| <b>Enf. Coordinator</b>        | Samantha Salas   |                                       |                 |            |
| <b>Violation Number</b>        | 1  |                                       |                 |            |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)   |                                       |                 |            |
| <b>Violation Description</b>   | Failed to maintain a disinfectant residual of at least 0.2 milligram per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, on October 28, 2019, a sample taken at 208 Clearwood Drive measured 0.0 mg/L free chlorine, and a sample taken at 312 Arrowhead Street measured 0.0 mg/L free chlorine. On October 30, 2019, a sample taken at 312 Arrowhead Street measured 0.0 mg/L free chlorine. |                                       |                 |            |
| <b>Base Penalty</b>            |  |                                       |                 | \$5,000    |

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

|           |                |             |          |       |                      |
|-----------|----------------|-------------|----------|-------|----------------------|
| <b>OR</b> | <b>Release</b> | <b>Harm</b> |          |       |                      |
|           |                | Major       | Moderate | Minor |                      |
|           | Actual         |             |          |       |                      |
|           | Potential      | x           |          |       |                      |
|           |                |             |          |       | <b>Percent</b> 15.0% |

**>> Programmatic Matrix**

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

|              |   |
|--------------|---|
| Matrix Notes | Failure to maintain proper levels of disinfection could expose persons served by the Facility to contaminants which would exceed levels protective of human health. |
|--------------|---|

|                   |         |
|-------------------|---------|
| <b>Adjustment</b> | \$4,250 |
| <b>\$750</b>      |         |

**Violation Events**

|                            |   |   |                          |
|----------------------------|---|---|--------------------------|
| Number of Violation Events | 1 | 3 | Number of violation days |
|----------------------------|---|---|--------------------------|

|  |              |   |  |  |  |
|--|--------------|---|--|--|--|
|  | daily        |   |  |  |  |
|  | weekly       |   |  |  |  |
|  | monthly      |   |  |  |  |
|  | quarterly    |   |  |  |  |
|  | semiannual   |   |  |  |  |
|  | annual       |   |  |  |  |
|  | single event | x |  |  |  |

|                                  |  |
|----------------------------------|--|
| One single event is recommended. |  |
|----------------------------------|--|

**Good Faith Efforts to Comply**

|               |  |                                   |  |  |  |
|---------------|--|-----------------------------------|--|--|--|
|               | <b>0.0%</b>  |                                   |  |  |  |
|               | Before NOE/NOV   | NOE/NOV to EDPRP/Settlement Offer |  |  |  |
| Extraordinary |  |                                   |  |  |  |
| Ordinary      |  |                                   |  |  |  |
| N/A           | x  |                                   |  |  |  |
| Notes         | The Respondent does not meet the good faith criteria for this violation. |                                   |  |  |  |

|                           |       |
|---------------------------|-------|
| <b>Violation Subtotal</b> | \$750 |
|---------------------------|-------|

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

|  |       |                                      |         |
|--|-------|--------------------------------------|---------|
| <b>Estimated EB Amount</b>   | \$108 | <b>Violation Final Penalty Total</b> | \$1,411 |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |       | \$1,411                              |         |

**Statutory Limit Test**

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 1)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### 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        | \$100 | 28-Oct-2019 | 8-Jun-2021 | 1.61 | \$8 | n/a | \$8 |
| Remediation/Disposal     |       |             |            | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |            | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |             |            | 0.00 | \$0 | n/a | \$0 |

#### Notes for DELAYED costs

The delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure a disinfectant residual concentration of at least 0.2 mg/L free chlorine is maintained throughout the distribution system at all times, calculated from the first documented low residual to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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           |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs        | \$100 | 28-Oct-2019 | 30-Oct-2019 | 0.01 | \$0 | \$100 | \$100 |
| Other (as needed)             |       |             |             | 0.00 | \$0 | \$0   | \$0   |

#### Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional maintenance and oversight to ensure an adequate disinfection residual is maintained throughout the distribution system, calculated for the dates the low disinfection residuals were documented.

Approx. Cost of Compliance

\$200

**TOTAL**

\$108

|                                |   |                                       |                 |            |
|--------------------------------|---|---------------------------------------|-----------------|------------|
| <b>Screening Date</b>          | 18-Dec-2019   | <b>Docket No.</b>                     | 2019-1778-PWS-E | <b>PCW</b> |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 1)   |                                       |                 |            |
| <b>Case ID No.</b>             | 59421   | <i>Policy Revision 4 (April 2014)</i> |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102678885   | <i>PCW Revision September 1, 2019</i> |                 |            |
| <b>Media</b>                   | Public Water Supply   |                                       |                 |            |
| <b>Enf. Coordinator</b>        | Samantha Salas  |                                       |                 |            |
| <b>Violation Number</b>        | 2   |                                       |                 |            |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 290.46(q)(1)  |                                       |                 |            |
| <b>Violation Description</b>   | Failed to issue a boil water notice to customers of the Facility within 24 hours of a low disinfectant residual using the prescribed format in 30 Tex. Admin. Code § 290.47(c). Specifically, the disinfectant residuals measured 0.0 mg/L free chlorine at 208 Clearwood Drive and 312 Arrowhead Street on October 28, 2019, and the Respondent did not provide a boil water notice to affected persons within 24 hours. |                                       |                 |            |
| <b>Base Penalty</b>            |   |                                       |                 | \$5,000    |

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

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

**>> Programmatic Matrix**

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

|              |  |
|--------------|--|
| Matrix Notes | Failure to issue a boil water notice may not allow affected persons to take appropriate measures in response to low disinfectant residuals and could expose persons served by the Facility to contaminants which would exceed levels protective of human health. |
|--------------|--|

**Adjustment**

**Violation Events**

|                            |                                |                                |                          |
|----------------------------|--------------------------------|--------------------------------|--------------------------|
| Number of Violation Events | <input type="text" value="1"/> | <input type="text" value="2"/> | Number of violation days |
|----------------------------|--------------------------------|--------------------------------|--------------------------|

|  |              |                                |  |
|--|--------------|--------------------------------|--|
|  | daily        | <input type="text"/>           | <b>Violation Base Penalty</b> <input type="text" value="\$750"/> |
|  | 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"/> |  |

One single event is recommended.

**Good Faith Efforts to Comply**

|               |   |                                   |
|---------------|---|-----------------------------------|
|               | <b>25.0%</b>  |                                   |
|               | 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"/>                                    | <input type="text"/>              |
| Notes         | The Respondent achieved compliance on October 30, 2019. |                                   |

**Violation Subtotal**

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

|                            |                                  |
|----------------------------|----------------------------------|
| <b>Estimated EB Amount</b> | <input type="text" value="\$0"/> |
|----------------------------|----------------------------------|

**Statutory Limit Test**

|  |                                      |
|--|--------------------------------------|
| <b>Violation Final Penalty Total</b>                               | <input type="text" value="\$1,217"/> |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |                                      |
| <input type="text" value="\$1,217"/>                               |                                      |

# Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 1)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

## 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        | \$100 | 28-Oct-2019 | 30-Oct-2019 | 0.01 | \$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 develop and begin maintaining a written protocol that is to be followed to ensure that boil water notices are issued in a timely manner, calculated from the date of the investigation to the date of compliance.

## Avoided Costs

### ANNUALIZE 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           |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

|              |                 |             |                  |             |                |             |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| <b>DATES</b> | <b>Assigned</b> | 3-Aug-2020  | <b>Screening</b> | 13-Aug-2020 | <b>EPA Due</b> | 30-Jun-2020 |
|              | <b>PCW</b>      | 17-Aug-2020 |                  |             |                |             |

## RESPONDENT/FACILITY INFORMATION

|                             |                                 |  |                           |       |  |
|-----------------------------|---------------------------------|--|---------------------------|-------|--|
| <b>Respondent</b>           | ABRAXAS CORPORATION (PCW No. 2) |  |                           |       |  |
| <b>Reg. Ent. Ref. No.</b>   | RN102678885                     |  |                           |       |  |
| <b>Facility/Site Region</b> | 4-Dallas/Fort Worth             |  | <b>Major/Minor Source</b> | Minor |  |

## CASE INFORMATION

|  |                     |                              |                    |
|--|---------------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 59421               | <b>No. of Violations</b>     | 3                  |
| <b>Docket No.</b>                      | 2019-1778-PWS-E     | <b>Order Type</b>            | Findings           |
| <b>Media Program(s)</b>                | Public Water Supply | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                     | <b>Enf. Coordinator</b>      | Samantha Salas     |
|  |                     | <b>EC's Team</b>             | Enforcement Team 8 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$50                | <b>Maximum</b>               | \$1,000            |

## Penalty Calculation Section

|   |                   |       |
|---|-------------------|-------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$500 |
|---|-------------------|-------|

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

|                           |              |                   |                                |       |
|---------------------------|--------------|-------------------|--------------------------------|-------|
| <b>Compliance History</b> | <b>81.0%</b> | <b>Adjustment</b> | <b>Subtotals 2, 3, &amp; 7</b> | \$405 |
|---------------------------|--------------|-------------------|--------------------------------|-------|

Notes

Enhancement for six NOV's with the same/similar violations, three NOV's with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

|                    |    |             |                    |                   |     |
|--------------------|----|-------------|--------------------|-------------------|-----|
| <b>Culpability</b> | No | <b>0.0%</b> | <b>Enhancement</b> | <b>Subtotal 4</b> | \$0 |
|--------------------|----|-------------|--------------------|-------------------|-----|

Notes

The Respondent does not meet the culpability criteria.

|  |                   |     |
|--|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|--|-------------------|-----|

|                         |             |                     |                   |     |
|-------------------------|-------------|---------------------|-------------------|-----|
| <b>Economic Benefit</b> | <b>0.0%</b> | <b>Enhancement*</b> | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------|---------------------|-------------------|-----|

Total EB Amounts  
Estimated Cost of Compliance

\$1,065  
\$2,762

\*Capped at the Total EB \$ Amount

|                             |                       |       |
|-----------------------------|-----------------------|-------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$905 |
|-----------------------------|-----------------------|-------|

|   |              |                   |       |
|---|--------------|-------------------|-------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | <b>86.7%</b> | <b>Adjustment</b> | \$785 |
|---|--------------|-------------------|-------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement to capture the avoided cost of compliance for Violation Nos. 2 and 3.

|                             |         |
|-----------------------------|---------|
| <b>Final Penalty Amount</b> | \$1,690 |
|-----------------------------|---------|

|                                   |                               |         |
|-----------------------------------|-------------------------------|---------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$1,690 |
|-----------------------------------|-------------------------------|---------|

|                 |             |                  |                   |     |
|-----------------|-------------|------------------|-------------------|-----|
| <b>DEFERRAL</b> | <b>0.0%</b> | <b>Reduction</b> | <b>Adjustment</b> | \$0 |
|-----------------|-------------|------------------|-------------------|-----|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

|                        |         |
|------------------------|---------|
| <b>PAYABLE PENALTY</b> | \$1,690 |
|------------------------|---------|

|                                |                                 |                   |                 |                                       |
|--------------------------------|---------------------------------|-------------------|-----------------|---------------------------------------|
| <b>Screening Date</b>          | 13-Aug-2020                     | <b>Docket No.</b> | 2019-1778-PWS-E | <b>PCW</b>                            |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 2) |                   |                 | <i>Policy Revision 4 (April 2014)</i> |
| <b>Case ID No.</b>             | 59421                           |                   |                 | <i>PCW Revision March 26, 2014</i>    |
| <b>Reg. Ent. Reference No.</b> | RN102678885                     |                   |                 |                                       |
| <b>Media</b>                   | Public Water Supply             |                   |                 |                                       |
| <b>Enf. Coordinator</b>        | Samantha Salas                  |                   |                 |                                       |

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Number | 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> )  | 6      | 30%     |
|                               | Other written NOVs   | 3      | 6%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 1      | 20%     |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 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%      |
| 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)** 81%

#### >> Repeat Violator (Subtotal 3)

N/A

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

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

Satisfactory Performer

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

#### >> Compliance History Summary

##### Compliance History Notes

Enhancement for six NOVs with the same/similar violations, three NOVs with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 81%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 81%

|                                |   |                     |                 |                                |
|--------------------------------|---|---------------------|-----------------|--------------------------------|
| <b>Screening Date</b>          | 13-Aug-2020   | <b>Docket No.</b>   | 2019-1778-PWS-E | <b>PCW</b>                     |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 2)   |                     |                 | Policy Revision 4 (April 2014) |
| <b>Case ID No.</b>             | 59421   |                     |                 | PCW Revision March 26, 2014    |
| <b>Reg. Ent. Reference No.</b> | RN102678885   |                     |                 |                                |
| <b>Media</b>                   | Public Water Supply   |                     |                 |                                |
| <b>Enf. Coordinator</b>        | Samantha Salas  |                     |                 |                                |
| <b>Violation Number</b>        | 1   |                     |                 |                                |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 290.108(e)  |                     |                 |                                |
| <b>Violation Description</b>   | Failed to provide the results of radionuclides sampling to the Executive Director for the first quarter of 2018 through the second quarter of 2019. |                     |                 |                                |
|                                |   | <b>Base Penalty</b> | \$1,000         |                                |

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

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

**>> Programmatic Matrix**

|                     |   |       |          |       |                         |
|---------------------|---|-------|----------|-------|-------------------------|
|                     | Falsification                               | Major | Moderate | Minor |                         |
|                     |   | x     |          |       | <b>Percent</b> 5.0%     |
| <b>Matrix Notes</b> | 100% of the rule requirements were not met. |       |          |       |                         |
|                     |   |       |          |       | <b>Adjustment</b> \$950 |

\$50

**Violation Events**

|                                    |   |  |                                     |
|------------------------------------|---|--|-------------------------------------|
| Number of Violation Events         | 6   | 856  | Number of violation days            |
|                                    | <div style="border: 1px solid black; padding: 2px;">             daily<br/>weekly<br/>monthly<br/>quarterly<br/>semiannual<br/>annual<br/>single event           </div> | <div style="border: 1px solid black; padding: 2px;"> <br/><br/><br/><br/><br/><br/><br/>x           </div> | <b>Violation Base Penalty</b> \$300 |
| Six single events are recommended. |   |  |                                     |

**Good Faith Efforts to Comply**

|               |  |   |                      |
|---------------|--|---|----------------------|
|               | <b>0.0%</b>  |   | <b>Reduction</b> \$0 |
|               |  | Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer |                      |
| Extraordinary |  |   |                      |
| Ordinary      |  |   |                      |
| N/A           | x  |   |                      |
| Notes         | The Respondent does not meet the good faith criteria for this violation. |   |                      |
|               |  | <b>Violation Subtotal</b>                           | \$300                |

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

|  |  |
|--|--|
|  | <b>Statutory Limit Test</b>                  |
| <b>Estimated EB Amount</b>   | \$269  |
|  | <b>Violation Final Penalty Total</b> \$1,014 |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,014 |  |



## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 2)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### 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        | \$100   | 20-Jul-2020 | 8-Jun-2021 | 0.88 | \$4   | n/a | \$4   |
| Remediation/Disposal     |         |             |            | 0.00 | \$0   | n/a | \$0   |
| Permit Costs             |         |             |            | 0.00 | \$0   | n/a | \$0   |
| Other (as needed)        | \$1,676 | 10-Apr-2018 | 8-Jun-2021 | 3.16 | \$265 | n/a | \$265 |

#### Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to implement process procedures, guidance, training, and/or oversight to ensure that future drinking water sample results are released by the Facility's laboratories and reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

The Other (as needed) delayed cost includes the estimated amount to pay any outstanding lab fees (\$279.35 for radionuclides x six samples) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due for the earliest monitoring period to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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           |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,776

**TOTAL**

\$269

|                                |  |                     |                 |                                       |
|--------------------------------|--|---------------------|-----------------|---------------------------------------|
| <b>Screening Date</b>          | 13-Aug-2020  | <b>Docket No.</b>   | 2019-1778-PWS-E | <b>PCW</b>                            |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 2)  |                     |                 | <i>Policy Revision 4 (April 2014)</i> |
| <b>Case ID No.</b>             | 59421  |                     |                 | <i>PCW Revision March 26, 2014</i>    |
| <b>Reg. Ent. Reference No.</b> | RN102678885  |                     |                 |                                       |
| <b>Media</b>                   | Public Water Supply  |                     |                 |                                       |
| <b>Enf. Coordinator</b>        | Samantha Salas   |                     |                 |                                       |
| <b>Violation Number</b>        | 2  |                     |                 |                                       |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)   |                     |                 |                                       |
| <b>Violation Description</b>   | Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the 2018 calendar year. |                     |                 |                                       |
|                                |  | <b>Base Penalty</b> | \$1,000         |                                       |

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

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

**>> Programmatic Matrix**

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

|                     |   |
|---------------------|---|
| <b>Matrix Notes</b> | 100% of the rule requirements were not met. |
|---------------------|---|

|                   |       |
|-------------------|-------|
| <b>Adjustment</b> | \$950 |
|                   | \$50  |

**Violation Events**

|                            |   |                          |     |
|----------------------------|---|--------------------------|-----|
| Number of Violation Events | 1 | Number of violation days | 409 |
|----------------------------|---|--------------------------|-----|

|  |              |   |
|--|--------------|---|
|  | daily        |   |
|  | weekly       |   |
|  | monthly      |   |
|  | quarterly    |   |
|  | semiannual   |   |
|  | annual       |   |
|  | single event | x |

|                                  |                               |      |
|----------------------------------|-------------------------------|------|
| One single event is recommended. | <b>Violation Base Penalty</b> | \$50 |
|----------------------------------|-------------------------------|------|

**Good Faith Efforts to Comply**

|               |  |                                   |                  |     |
|---------------|--|-----------------------------------|------------------|-----|
|               | <b>0.0%</b>  |                                   | <b>Reduction</b> | \$0 |
|               | Before NOE/NOV   | NOE/NOV to EDPRP/Settlement Offer |                  |     |
| Extraordinary |  |                                   |                  |     |
| Ordinary      |  |                                   |                  |     |
| N/A           | x  |                                   |                  |     |
| Notes         | The Respondent does not meet the good faith criteria for this violation. |                                   |                  |     |
|               |  | <b>Violation Subtotal</b>         | \$50             |     |

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

|                            |  |
|----------------------------|--|
|                            | <b>Statutory Limit Test</b>  |
| <b>Estimated EB Amount</b> | \$158  |
|                            | <b>Violation Final Penalty Total</b>                               |
|                            | \$169  |
|                            | <b>This violation Final Assessed Penalty (adjusted for limits)</b> |
|                            | \$169  |

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 2)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### Delayed Costs

|                          |       |            |             |      |     |     |     |
|--------------------------|-------|------------|-------------|------|-----|-----|-----|
| Equipment                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        | \$143 | 1-Jul-2020 | 23-Jun-2021 | 0.98 | \$7 | n/a | \$7 |

#### Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail or directly deliver the most recent CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 186 connections) + \$50) x one year], calculated from the due date of the most recent CCR to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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           |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs        |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Other (as needed)             | \$143 | 1-Jul-2019 | 13-Aug-2020 | 1.12 | \$8 | \$143 | \$151 |

#### Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2018 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 186 connections) + \$50) x one year], calculated from the due date of the 2018 CCR to the screening date.

Approx. Cost of Compliance

\$286

**TOTAL**

\$158

|  |   |  |                                      |                                       |
|--|---|--|--------------------------------------|---------------------------------------|
| <b>Screening Date</b>                              | 13-Aug-2020   | <b>Docket No.</b>                        | 2019-1778-PWS-E                      | <b>PCW</b>                            |
| <b>Respondent</b>                                  | ABRAXAS CORPORATION (PCW No. 2)   |  |                                      | <i>Policy Revision 4 (April 2014)</i> |
| <b>Case ID No.</b>                                 | 59421   |  |                                      | <i>PCW Revision March 26, 2014</i>    |
| <b>Reg. Ent. Reference No.</b>                     | RN102678885   |  |                                      |                                       |
| <b>Media</b>                                       | Public Water Supply   |  |                                      |                                       |
| <b>Enf. Coordinator</b>                            | Samantha Salas  |  |                                      |                                       |
| <b>Violation Number</b>                            | 3   |  |                                      |                                       |
| <b>Rule Cite(s)</b>                                | 30 Tex. Admin. Code § 290.117(c)(2)(A), (h), and (i)(1)   |  |                                      |                                       |
| <b>Violation Description</b>                       | Failed to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 monitoring period. |  |                                      |                                       |
|  |   | <b>Base Penalty</b>                      | \$1,000                              |                                       |
| >> Environmental, Property and Human Health Matrix |   |  |                                      |                                       |
| OR   |   | <b>Harm</b>                              |                                      |                                       |
|  | <b>Release</b>  | Major                                    | Moderate                             | Minor                                 |
|  | Actual  |  |                                      |                                       |
|  | Potential   | x  |                                      |                                       |
|  |   | <b>Percent</b>                           | 15.0%                                |                                       |
| >>Programmatic Matrix                              |   |  |                                      |                                       |
|  | <b>Falsification</b>  | Major                                    | Moderate                             | Minor                                 |
|  |   |  |                                      |                                       |
|  |   | <b>Percent</b>                           | 0.0%                                 |                                       |
| <b>Matrix Notes</b>                                | Failure to collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.   |  |                                      |                                       |
|  | <b>Adjustment</b>   | \$850                                    |                                      |                                       |
|  |   |  | \$150                                |                                       |
| >> Violation Events                                |   |  |                                      |                                       |
|  | <b>Number of Violation Events</b>   | 1  | <b>Number of violation days</b>      | 180                                   |
|  | <b>Frequency</b>  | daily                                    |                                      |                                       |
|  |   | weekly                                   |                                      |                                       |
|  |   | monthly                                  |                                      |                                       |
|  |   | quarterly                                |                                      |                                       |
|  |   | semiannual                               |                                      |                                       |
|  |   | annual                                   |                                      |                                       |
|  |   | single event                             | x                                    |                                       |
|  | One single event is recommended.  |  |                                      |                                       |
| >> Good Faith Efforts to Comply                    |   |  |                                      |                                       |
|  | <b>0.0%</b>   | <b>Reduction</b>                         | \$0                                  |                                       |
|  | <b>Before NOE/NOV</b>   | <b>NOE/NOV to EDPRP/Settlement Offer</b> |                                      |                                       |
|  | Extraordinary   |  |                                      |                                       |
|  | Ordinary  |  |                                      |                                       |
|  | N/A   | x  |                                      |                                       |
| <b>Notes</b>                                       | The Respondent does not meet the good faith criteria for this violation.  |  |                                      |                                       |
|  | <b>Violation Subtotal</b>   | \$150                                    |                                      |                                       |
| >> Economic Benefit (EB) for this violation        |   |  |                                      |                                       |
|  | <b>Statutory Limit Test</b>   |  |                                      |                                       |
|  | <b>Estimated EB Amount</b>  | \$638                                    | <b>Violation Final Penalty Total</b> | \$507                                 |
|  | <b>This violation Final Assessed Penalty (adjusted for limits)</b>  |  |                                      | \$507                                 |

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 2)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### 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        | \$100 | 20-Jul-2020 | 8-Jun-2021 | 0.88 | \$4 | n/a | \$4 |
| Remediation/Disposal     |       |             |            | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |            | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |             |            | 0.00 | \$0 | n/a | \$0 |

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and the results reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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           |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| ONE-TIME avoided costs        | \$600 | 30-Jun-2019 | 13-Aug-2020 | 1.12 | \$34 | \$600 | \$634 |
| Other (as needed)             |       |             |             | 0.00 | \$0  | \$0   | \$0   |

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper tap samples (\$30 per sample x 20 missed samples x one monitoring period), calculated from the last day of the monitoring period to the screening date.

**Approx. Cost of Compliance**

\$700

**TOTAL**

\$638



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

|              |                 |             |                  |             |                |             |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| <b>DATES</b> | <b>Assigned</b> | 3-Aug-2020  | <b>Screening</b> | 13-Aug-2020 | <b>EPA Due</b> | 30-Jun-2020 |
|              | <b>PCW</b>      | 17-Aug-2020 |                  |             |                |             |

## RESPONDENT/FACILITY INFORMATION

|                             |                                 |  |                           |       |  |
|-----------------------------|---------------------------------|--|---------------------------|-------|--|
| <b>Respondent</b>           | ABRAXAS CORPORATION (PCW No. 3) |  |                           |       |  |
| <b>Reg. Ent. Ref. No.</b>   | RN102678885                     |  |                           |       |  |
| <b>Facility/Site Region</b> | 4-Dallas/Fort Worth             |  | <b>Major/Minor Source</b> | Minor |  |

## CASE INFORMATION

|  |                     |                              |                    |
|--|---------------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 59421               | <b>No. of Violations</b>     | 5                  |
| <b>Docket No.</b>                      | 2019-1778-PWS-E     | <b>Order Type</b>            | Findings           |
| <b>Media Program(s)</b>                | Public Water Supply | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                     | <b>Enf. Coordinator</b>      | Samantha Salas     |
|  |                     | <b>EC's Team</b>             | Enforcement Team 8 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$50                | <b>Maximum</b>               | \$5,000            |

## Penalty Calculation Section

|   |                   |         |
|---|-------------------|---------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$2,250 |
|---|-------------------|---------|

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

|                           |       |                   |                                |         |
|---------------------------|-------|-------------------|--------------------------------|---------|
| <b>Compliance History</b> | 81.0% | <b>Adjustment</b> | <b>Subtotals 2, 3, &amp; 7</b> | \$1,822 |
|---------------------------|-------|-------------------|--------------------------------|---------|

|              |  |  |  |  |
|--------------|--|--|--|--|
| <b>Notes</b> | Enhancement for six NOV's with the same/similar violations, three NOV's with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability. |  |  |  |
|--------------|--|--|--|--|

|                    |    |      |                    |                   |     |
|--------------------|----|------|--------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% | <b>Enhancement</b> | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------|--------------------|-------------------|-----|

|              |  |  |  |  |  |
|--------------|--|--|--|--|--|
| <b>Notes</b> | The Respondent does not meet the culpability criteria. |  |  |  |  |
|--------------|--|--|--|--|--|

|  |                   |     |
|--|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|--|-------------------|-----|

|                         |      |                     |                   |     |
|-------------------------|------|---------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% | <b>Enhancement*</b> | <b>Subtotal 6</b> | \$0 |
|-------------------------|------|---------------------|-------------------|-----|

|                              |         |                                   |
|------------------------------|---------|-----------------------------------|
| Total EB Amounts             | \$674   | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$1,359 |                                   |

|                             |                       |         |
|-----------------------------|-----------------------|---------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$4,072 |
|-----------------------------|-----------------------|---------|

|   |       |                   |       |
|---|-------|-------------------|-------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 15.2% | <b>Adjustment</b> | \$618 |
|---|-------|-------------------|-------|

Reduces or enhances the Final Subtotal by the indicated percentage.

|              |  |  |  |  |
|--------------|--|--|--|--|
| <b>Notes</b> | Enhancement to capture the avoided cost of compliance for Violation No. 4. |  |  |  |
|--------------|--|--|--|--|

|                             |         |
|-----------------------------|---------|
| <b>Final Penalty Amount</b> | \$4,690 |
|-----------------------------|---------|

|                                   |                               |         |
|-----------------------------------|-------------------------------|---------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$4,690 |
|-----------------------------------|-------------------------------|---------|

|                 |      |                  |                   |     |
|-----------------|------|------------------|-------------------|-----|
| <b>DEFERRAL</b> | 0.0% | <b>Reduction</b> | <b>Adjustment</b> | \$0 |
|-----------------|------|------------------|-------------------|-----|

Reduces the Final Assessed Penalty by the indicated percentage.

|              |   |  |  |  |
|--------------|---|--|--|--|
| <b>Notes</b> | No deferral is recommended for Findings Orders. |  |  |  |
|--------------|---|--|--|--|

|                        |         |
|------------------------|---------|
| <b>PAYABLE PENALTY</b> | \$4,690 |
|------------------------|---------|

Screening Date 13-Aug-2020

Docket No. 2019-1778-PWS-E

PCW

Respondent ABRAXAS CORPORATION (PCW No. 3)

Policy Revision 4 (April 2014)

Case ID No. 59421

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN102678885

Media Public Water Supply

Enf. Coordinator Samantha Salas

## Compliance History Worksheet

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

| Component                     | Number of...   | Number | 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> )  | 6      | 30%     |
|                               | Other written NOVs   | 3      | 6%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 1      | 20%     |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 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%      |
| 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) 81%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for six NOVs with the same/similar violations, three NOVs with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 81%

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

Final Adjustment Percentage \*capped at 100% 81%

|   |  |  |  |   |   |
|---|--|--|--|---|---|
| <b>Screening Date</b>   | 13-Aug-2020  | <b>Docket No.</b>  | 2019-1778-PWS-E  | <b>PCW</b>  |   |
| <b>Respondent</b>   | ABRAXAS CORPORATION (PCW No. 3)  |  |  | Policy Revision 4 (April 2014)  |   |
| <b>Case ID No.</b>  | 59421  |  |  | PCW Revision September 1, 2019  |   |
| <b>Reg. Ent. Reference No.</b>                                  | RN102678885  |  |  |   |   |
| <b>Media</b>  | Public Water Supply  |  |  |   |   |
| <b>Enf. Coordinator</b>   | Samantha Salas   |  |  |   |   |
| <b>Violation Number</b>   | <div style="border: 1px solid black; padding: 2px;">1</div>  |  |  |   |   |
| <b>Rule Cite(s)</b>   | <div style="border: 1px solid black; padding: 5px; text-align: center;">30 Tex. Admin. Code § 290.108(e)</div>   |  |  |   |   |
| <b>Violation Description</b>                                    | <div style="border: 1px solid black; padding: 5px;">Failed to provide the results of radionuclides sampling to the Executive Director for the third and fourth quarters of 2019.</div> |  |  |   |   |
|   |  | <b>Base Penalty</b>  | <div style="border: 1px solid black; padding: 2px;">\$5,000</div>                  |   |   |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b> |  |  |  |   |   |
| <b>OR</b>   | <b>Release</b>   | <b>Major</b>   | <b>Harm</b>  | <b>Minor</b>  |   |
|   | Actual   | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>            | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                       | <b>Percent</b> <div style="border: 1px solid black; padding: 2px;">0.0%</div> |
|   | Potential  | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>            | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                       |   |
| <b>&gt;&gt; Programmatic Matrix</b>                             |  |  |  |   |   |
|   | <b>Falsification</b>   | <b>Major</b>   | <b>Moderate</b>  | <b>Minor</b>  |   |
|   | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  | <div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>                                       | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>            | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                       | <b>Percent</b> <div style="border: 1px solid black; padding: 2px;">5.0%</div> |
| <b>Matrix Notes</b>   | <div style="border: 1px solid black; padding: 5px;">100% of the rule requirements were not met.</div>  |  |  |   |   |
|   |  | <b>Adjustment</b>  | <div style="border: 1px solid black; padding: 2px;">\$4,750</div>                  |   |   |
|   |  |  | <div style="border: 1px solid black; padding: 2px; text-align: right;">\$250</div> |   |   |
| <b>Violation Events</b>   |  |  |  |   |   |
|   | <b>Number of Violation Events</b>  | <div style="border: 1px solid black; padding: 2px;">2</div>  | <div style="border: 1px solid black; padding: 2px;">308</div>                      | <b>Number of violation days</b>   |   |
|   | <div style="border: 1px solid black; padding: 2px;">daily</div>  | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  |  | <b>Violation Base Penalty</b> <div style="border: 1px solid black; padding: 2px;">\$500</div> |   |
|   | <div style="border: 1px solid black; padding: 2px;">weekly</div>   | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  |  |   |   |
|   | <div style="border: 1px solid black; padding: 2px;">monthly</div>  | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  |  |   |   |
|   | <div style="border: 1px solid black; padding: 2px;">quarterly</div>  | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  |  |   |   |
|   | <div style="border: 1px solid black; padding: 2px;">semiannual</div>   | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  |  |   |   |
|   | <div style="border: 1px solid black; padding: 2px;">annual</div>   | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  |  |   |   |
|   | <div style="border: 1px solid black; padding: 2px;">single event</div>   | <div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>                                       |  |   |   |
|   | <div style="border: 1px solid black; padding: 5px; text-align: center;">Two single events are recommended.</div>   |  |  |   |   |
| <b>Good Faith Efforts to Comply</b>                             |  | <div style="border: 1px solid black; padding: 2px;">0.0%</div>   | <b>Reduction</b>   | <div style="border: 1px solid black; padding: 2px;">\$0</div>                                 |   |
|   |  | <small>Before NOE/NOV</small>  | <small>NOE/NOV to EDPRP/Settlement Offer</small>                                   |   |   |
|   | <b>Extraordinary</b>   | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>            |   |   |
|   | <b>Ordinary</b>  | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>  | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>            |   |   |
|   | <b>N/A</b>   | <div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>                                       | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>            |   |   |
|   | <b>Notes</b>   | <div style="border: 1px solid black; padding: 5px;">The Respondent does not meet the good faith criteria for this violation.</div> |  |   |   |
|   |  | <b>Violation Subtotal</b>  | <div style="border: 1px solid black; padding: 2px;">\$500</div>                    |   |   |
| <b>Economic Benefit (EB) for this violation</b>                 |  | <b>Statutory Limit Test</b>  |  |   |   |
|   | <b>Estimated EB Amount</b>   | <div style="border: 1px solid black; padding: 2px;">\$46</div>   | <b>Violation Final Penalty Total</b>   | <div style="border: 1px solid black; padding: 2px;">\$1,042</div>                             |   |
|   | <b>This violation Final Assessed Penalty (adjusted for limits)</b>   |  |  | <div style="border: 1px solid black; padding: 2px;">\$1,042</div>                             |   |



## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 3)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### Delayed Costs

|                          |       |             |            |      |      |     |      |
|--------------------------|-------|-------------|------------|------|------|-----|------|
| Equipment                |       |             |            | 0.00 | \$0  | \$0 | \$0  |
| Buildings                |       |             |            | 0.00 | \$0  | \$0 | \$0  |
| Other (as needed)        |       |             |            | 0.00 | \$0  | \$0 | \$0  |
| Engineering/Construction |       |             |            | 0.00 | \$0  | \$0 | \$0  |
| Land                     |       |             |            | 0.00 | \$0  | n/a | \$0  |
| Record Keeping System    |       |             |            | 0.00 | \$0  | n/a | \$0  |
| Training/Sampling        |       |             |            | 0.00 | \$0  | n/a | \$0  |
| Remediation/Disposal     |       |             |            | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |       |             |            | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        | \$559 | 10-Oct-2019 | 8-Jun-2021 | 1.66 | \$46 | n/a | \$46 |

Notes for DELAYED costs

The Training/Sampling delayed cost to implement process procedures, guidance, training, and/or oversight to ensure that future drinking water sample results are released by the Facility's laboratories and reported to the Executive Director is captured in the Economic Benefit Worksheet for Violation No. 1 on Penalty Calculation Worksheet No. 1.

The Other (as needed) delayed cost includes the estimated amount to pay any outstanding lab fees (\$279.35 for radionuclides x two samples) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due for the earliest monitoring period to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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           |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$559

**TOTAL**

\$46

|                                |  |                                       |                     |            |
|--------------------------------|--|---------------------------------------|---------------------|------------|
| <b>Screening Date</b>          | 13-Aug-2020  | <b>Docket No.</b>                     | 2019-1778-PWS-E     | <b>PCW</b> |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 3)  |                                       |                     |            |
| <b>Case ID No.</b>             | 59421  | <i>Policy Revision 4 (April 2014)</i> |                     |            |
| <b>Reg. Ent. Reference No.</b> | RN102678885  | <i>PCW Revision September 1, 2019</i> |                     |            |
| <b>Media</b>                   | Public Water Supply  |                                       |                     |            |
| <b>Enf. Coordinator</b>        | Samantha Salas   |                                       |                     |            |
| <b>Violation Number</b>        | 2  |                                       |                     |            |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 290.122(b)(3)(A) and (f)   |                                       |                     |            |
| <b>Violation Description</b>   | Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant level ("MCL") for combined radium during the first quarter of 2018, second quarter of 2018, and fourth quarter of 2019. Specifically, public notifications were required by May 19, 2020, but were not provided. |                                       |                     |            |
|                                |  |                                       | <b>Base Penalty</b> | \$5,000    |

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

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

**>> Programmatic Matrix**

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

|                     |   |
|---------------------|---|
| <b>Matrix Notes</b> | 100% of the rule requirements were not met. |
|---------------------|---|

**Adjustment** \$4,750

\$250

**Violation Events**

|                            |   |    |                          |
|----------------------------|---|----|--------------------------|
| Number of Violation Events | 3 | 86 | Number of violation days |
|----------------------------|---|----|--------------------------|

|  |              |   |  |  |
|--|--------------|---|--|--|
|  | daily        |   |  |  |
|  | weekly       |   |  |  |
|  | monthly      |   |  |  |
|  | quarterly    |   |  |  |
|  | semiannual   |   |  |  |
|  | annual       |   |  |  |
|  | single event | x |  |  |

**Violation Base Penalty** \$750

Three single events are recommended, one for each notification.

**Good Faith Efforts to Comply**

|               |  |                                   |  |
|---------------|--|-----------------------------------|--|
|               | <b>0.0%</b>  |                                   |  |
|               | Before NOE/NOV   | NOE/NOV to EDPRP/Settlement Offer |  |
| Extraordinary |  |                                   |  |
| Ordinary      |  |                                   |  |
| N/A           | x  |                                   |  |
| Notes         | The Respondent does not meet the good faith criteria for this violation. |                                   |  |

**Violation Subtotal** \$750

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

|                            |     |  |
|----------------------------|-----|--|
| <b>Estimated EB Amount</b> | \$8 | <b>Statutory Limit Test</b>  |
|                            |     | <b>Violation Final Penalty Total</b> \$1,564                               |
|                            |     | <b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,564 |

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 3)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### 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        | \$100 | 20-Jul-2020 | 8-Jun-2021 | 0.88 | \$4 | n/a | \$4 |
| Remediation/Disposal     |       |             |            | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |            | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        | \$75  | 19-May-2020 | 8-Jun-2021 | 1.05 | \$4 | n/a | \$4 |

#### Notes for DELAYED costs

The Training/Sampling cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance.

The Other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public notifications (\$25 per notification x three missed notifications) are provided to persons served by the Facility and a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the date the public notifications were due to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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           |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$175

**TOTAL**

\$8

|                                |  |                     |                 |                                |
|--------------------------------|--|---------------------|-----------------|--------------------------------|
| <b>Screening Date</b>          | 13-Aug-2020  | <b>Docket No.</b>   | 2019-1778-PWS-E | <b>PCW</b>                     |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 3)  |                     |                 | Policy Revision 4 (April 2014) |
| <b>Case ID No.</b>             | 59421  |                     |                 | PCW Revision September 1, 2019 |
| <b>Reg. Ent. Reference No.</b> | RN102678885  |                     |                 |                                |
| <b>Media</b>                   | Public Water Supply  |                     |                 |                                |
| <b>Enf. Coordinator</b>        | Samantha Salas   |                     |                 |                                |
| <b>Violation Number</b>        | 3  |                     |                 |                                |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 290.122(b)(2)(A) and (f)   |                     |                 |                                |
| <b>Violation Description</b>   | Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL for combined radium during the third quarter of 2019. Specifically, public notification was required by February 27, 2020, but was not provided. |                     |                 |                                |
|                                |  | <b>Base Penalty</b> | \$5,000         |                                |

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

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

**>> Programmatic Matrix**

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

|                     |   |
|---------------------|---|
| <b>Matrix Notes</b> | 100% of the rule requirements were not met. |
|---------------------|---|

**Adjustment** \$4,750

\$250

**Violation Events**

|                            |   |                          |     |
|----------------------------|---|--------------------------|-----|
| Number of Violation Events | 1 | Number of violation days | 168 |
|----------------------------|---|--------------------------|-----|

|  |              |   |  |  |                                     |
|--|--------------|---|--|--|-------------------------------------|
|  | daily        |   |  |  |                                     |
|  | weekly       |   |  |  |                                     |
|  | monthly      |   |  |  |                                     |
|  | quarterly    |   |  |  |                                     |
|  | semiannual   |   |  |  |                                     |
|  | annual       |   |  |  |                                     |
|  | single event | x |  |  | <b>Violation Base Penalty</b> \$250 |

One single event is recommended.

**Good Faith Efforts to Comply**

|               |  |                                   |  |                      |
|---------------|--|-----------------------------------|--|----------------------|
|               | <b>0.0%</b>  |                                   |  | <b>Reduction</b> \$0 |
|               | Before NOE/NOV   | NOE/NOV to EDPRP/Settlement Offer |  |                      |
| Extraordinary |  |                                   |  |                      |
| Ordinary      |  |                                   |  |                      |
| N/A           | x  |                                   |  |                      |
| <b>Notes</b>  | The Respondent does not meet the good faith criteria for this violation. |                                   |  |                      |

**Violation Subtotal** \$250

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

|                            |     |  |       |
|----------------------------|-----|--|-------|
| <b>Estimated EB Amount</b> | \$2 | <b>Statutory Limit Test</b>  |       |
|                            |     | <b>Violation Final Penalty Total</b>                               | \$521 |
|                            |     | <b>This violation Final Assessed Penalty (adjusted for limits)</b> | \$521 |

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 3)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### Delayed Costs

|                          |      |             |            |      |     |     |     |
|--------------------------|------|-------------|------------|------|-----|-----|-----|
| Equipment                |      |             |            | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |      |             |            | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |      |             |            | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction |      |             |            | 0.00 | \$0 | \$0 | \$0 |
| Land                     |      |             |            | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |      |             |            | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |      |             |            | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |      |             |            | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |      |             |            | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        | \$25 | 27-Feb-2020 | 8-Jun-2021 | 1.28 | \$2 | n/a | \$2 |

#### Notes for DELAYED costs

The Training/Sampling cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner is captured in the Economic Benefit Worksheet for Violation No. 2.

The Other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one missed notification) is provided to persons served by the Facility and a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the date the public notification was due to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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           |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

**TOTAL**

\$2

|                                |  |                                       |                 |            |
|--------------------------------|--|---------------------------------------|-----------------|------------|
| <b>Screening Date</b>          | 13-Aug-2020  | <b>Docket No.</b>                     | 2019-1778-PWS-E | <b>PCW</b> |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 3)  |                                       |                 |            |
| <b>Case ID No.</b>             | 59421  | <i>Policy Revision 4 (April 2014)</i> |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102678885  | <i>PCW Revision September 1, 2019</i> |                 |            |
| <b>Media</b>                   | Public Water Supply  |                                       |                 |            |
| <b>Enf. Coordinator</b>        | Samantha Salas   |                                       |                 |            |
| <b>Violation Number</b>        | 4  |                                       |                 |            |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 290.117(c)(2)(A), (h), and (i)(1)  |                                       |                 |            |
| <b>Violation Description</b>   | Failed to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the Executive Director for the July 1, 2019 through December 31, 2019 monitoring period. |                                       |                 |            |
| <b>Base Penalty</b>            |  |                                       |                 | \$5,000    |

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

|           |           |                |             |       |                      |
|-----------|-----------|----------------|-------------|-------|----------------------|
| <b>OR</b> |           | <b>Release</b> | <b>Harm</b> |       |                      |
|           |           | Major          | Moderate    | Minor |                      |
|           | Actual    |                |             |       |                      |
|           | Potential | x              |             |       | <b>Percent</b> 15.0% |

**>> Programmatic Matrix**

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

|                     |   |
|---------------------|---|
| <b>Matrix Notes</b> | Failure to collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health. |
|---------------------|---|

**Adjustment** \$4,250

\$750

**Violation Events**

|                            |   |     |                          |
|----------------------------|---|-----|--------------------------|
| Number of Violation Events | 1 | 183 | Number of violation days |
|----------------------------|---|-----|--------------------------|

|  |              |   |                                     |
|--|--------------|---|-------------------------------------|
|  | daily        |   |                                     |
|  | weekly       |   |                                     |
|  | monthly      |   |                                     |
|  | quarterly    |   |                                     |
|  | semiannual   |   |                                     |
|  | annual       |   |                                     |
|  | single event | x | <b>Violation Base Penalty</b> \$750 |

One single event is recommended.

**Good Faith Efforts to Comply**

|               |  |                                   |  |
|---------------|--|-----------------------------------|--|
|               | 0.0%   |                                   |  |
|               | Before NOE/NOV   | NOE/NOV to EDPRP/Settlement Offer |  |
| Extraordinary |  |                                   |  |
| Ordinary      |  |                                   |  |
| N/A           | x  |                                   |  |
| Notes         | The Respondent does not meet the good faith criteria for this violation. |                                   |  |

**Violation Subtotal** \$750

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

|  |  |
|--|--|
|  | <b>Statutory Limit Test</b>                  |
| <b>Estimated EB Amount</b>   | \$618  |
|  | <b>Violation Final Penalty Total</b> \$1,564 |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,564 |  |

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 3)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**Media** Public Water Supply  
**Violation No.** 4

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

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

### Delayed Costs

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

#### Notes for DELAYED costs

The Training/Sampling delayed cost to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and the results reported to the Executive Director is captured in Economic Benefit Worksheet for Violation No. 3 on Penalty Calculation Worksheet No. 1.

### Avoided Costs

#### ANNUALIZE 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           |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| ONE-TIME avoided costs        | \$600 | 31-Dec-2019 | 13-Aug-2020 | 0.62 | \$18 | \$600 | \$618 |
| Other (as needed)             |       |             |             | 0.00 | \$0  | \$0   | \$0   |

#### Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper tap samples (\$30 per sample x 20 missed samples x one monitoring period), calculated from the last day of the monitoring period to the screening date.

Approx. Cost of Compliance

\$600

**TOTAL**

\$618

|                                |   |                                       |                 |            |
|--------------------------------|---|---------------------------------------|-----------------|------------|
| <b>Screening Date</b>          | 13-Aug-2020   | <b>Docket No.</b>                     | 2019-1778-PWS-E | <b>PCW</b> |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 3)   |                                       |                 |            |
| <b>Case ID No.</b>             | 59421   | <i>Policy Revision 4 (April 2014)</i> |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102678885   | <i>PCW Revision September 1, 2019</i> |                 |            |
| <b>Media</b>                   | Public Water Supply   |                                       |                 |            |
| <b>Enf. Coordinator</b>        | Samantha Salas  |                                       |                 |            |
| <b>Violation Number</b>        | 5   |                                       |                 |            |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 291.76 and Tex. Water Code § 5.702  |                                       |                 |            |
| <b>Violation Description</b>   | Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 15596 for calendar year 2019. |                                       |                 |            |
| <b>Base Penalty</b>            |   |                                       |                 | \$5,000    |

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

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

**>> Programmatic Matrix**

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

|                     |  |
|---------------------|--|
| <b>Matrix Notes</b> |  |
|---------------------|--|

**Adjustment** \$5,000

\$0

**Violation Events**

|                            |  |  |                          |  |
|----------------------------|--|--|--------------------------|--|
| Number of Violation Events |  |  | Number of violation days |  |
|----------------------------|--|--|--------------------------|--|

|  |              |  |  |  |
|--|--------------|--|--|--|
|  | daily        |  |  |  |
|  | weekly       |  |  |  |
|  | monthly      |  |  |  |
|  | quarterly    |  |  |  |
|  | semiannual   |  |  |  |
|  | annual       |  |  |  |
|  | single event |  |  |  |

**Violation Base Penalty** \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

**Good Faith Efforts to Comply**

|               |  |                                   |                  |     |
|---------------|--|-----------------------------------|------------------|-----|
|               | <b>0.0%</b>  |                                   | <b>Reduction</b> | \$0 |
|               | Before NOE/NOV   | NOE/NOV to EDPRP/Settlement Offer |                  |     |
| Extraordinary |  |                                   |                  |     |
| Ordinary      |  |                                   |                  |     |
| N/A           | x  |                                   |                  |     |
| Notes         | The Respondent does not meet the good faith criteria for this violation. |                                   |                  |     |

**Violation Subtotal** \$0

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

|  |                             |
|--|-----------------------------|
|  | <b>Statutory Limit Test</b> |
| <b>Estimated EB Amount</b>   | \$0                         |
| <b>Violation Final Penalty Total</b>                               | \$0                         |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |                             |
| \$0  |                             |



# Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 3)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**Media** Public Water Supply  
**Violation No.** 5

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

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

## Delayed Costs

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

## Avoided Costs

### ANNUALIZE 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           |     |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |     |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |     |  |  | 0.00 | \$0 | \$0 | \$0 |
| Notes for AVOIDED costs       | N/A |  |  |      |     |     |     |

Approx. Cost of Compliance \$0

**TOTAL** \$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 26-Oct-2020 | <b>Screening</b> | 10-Nov-2020 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 13-Nov-2020 |                  |             |                |  |

## RESPONDENT/FACILITY INFORMATION

|                             |                                 |  |                           |       |  |
|-----------------------------|---------------------------------|--|---------------------------|-------|--|
| <b>Respondent</b>           | ABRAXAS CORPORATION (PCW No. 4) |  |                           |       |  |
| <b>Reg. Ent. Ref. No.</b>   | RN102678885                     |  |                           |       |  |
| <b>Facility/Site Region</b> | 4-Dallas/Fort Worth             |  | <b>Major/Minor Source</b> | Minor |  |

## CASE INFORMATION

|  |                     |                              |                    |
|--|---------------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 59421               | <b>No. of Violations</b>     | 1                  |
| <b>Docket No.</b>                      | 2019-1778-PWS-E     | <b>Order Type</b>            | Findings           |
| <b>Media Program(s)</b>                | Public Water Supply | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                     | <b>Enf. Coordinator</b>      | Samantha Salas     |
|  |                     | <b>EC's Team</b>             | Enforcement Team 8 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$50                | <b>Maximum</b>               | \$5,000            |

## Penalty Calculation Section

|   |                   |              |
|---|-------------------|--------------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | <b>\$750</b> |
|---|-------------------|--------------|

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

|                           |              |                   |                                |              |
|---------------------------|--------------|-------------------|--------------------------------|--------------|
| <b>Compliance History</b> | <b>81.0%</b> | <b>Adjustment</b> | <b>Subtotals 2, 3, &amp; 7</b> | <b>\$607</b> |
|---------------------------|--------------|-------------------|--------------------------------|--------------|

Notes: Enhancement for six NOVs with the same/similar violations, three NOVs with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

|                    |    |             |                    |                   |            |
|--------------------|----|-------------|--------------------|-------------------|------------|
| <b>Culpability</b> | No | <b>0.0%</b> | <b>Enhancement</b> | <b>Subtotal 4</b> | <b>\$0</b> |
|--------------------|----|-------------|--------------------|-------------------|------------|

Notes: The Respondent does not meet the culpability criteria.

|  |                   |            |
|--|-------------------|------------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | <b>\$0</b> |
|--|-------------------|------------|

|                         |             |                     |                   |            |
|-------------------------|-------------|---------------------|-------------------|------------|
| <b>Economic Benefit</b> | <b>0.0%</b> | <b>Enhancement*</b> | <b>Subtotal 6</b> | <b>\$0</b> |
|-------------------------|-------------|---------------------|-------------------|------------|

Total EB Amounts: \$4  
Estimated Cost of Compliance: \$200

\*Capped at the Total EB \$ Amount

|                             |                       |                |
|-----------------------------|-----------------------|----------------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | <b>\$1,357</b> |
|-----------------------------|-----------------------|----------------|

|   |             |                   |            |
|---|-------------|-------------------|------------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | <b>0.0%</b> | <b>Adjustment</b> | <b>\$0</b> |
|---|-------------|-------------------|------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

|                             |                |
|-----------------------------|----------------|
| <b>Final Penalty Amount</b> | <b>\$1,357</b> |
|-----------------------------|----------------|

|                                   |                               |                |
|-----------------------------------|-------------------------------|----------------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | <b>\$1,357</b> |
|-----------------------------------|-------------------------------|----------------|

|                 |             |                  |                   |            |
|-----------------|-------------|------------------|-------------------|------------|
| <b>DEFERRAL</b> | <b>0.0%</b> | <b>Reduction</b> | <b>Adjustment</b> | <b>\$0</b> |
|-----------------|-------------|------------------|-------------------|------------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

|                        |                |
|------------------------|----------------|
| <b>PAYABLE PENALTY</b> | <b>\$1,357</b> |
|------------------------|----------------|

|                                |                                 |                   |                 |                                       |
|--------------------------------|---------------------------------|-------------------|-----------------|---------------------------------------|
| <b>Screening Date</b>          | 10-Nov-2020                     | <b>Docket No.</b> | 2019-1778-PWS-E | <b>PCW</b>                            |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 4) |                   |                 | <i>Policy Revision 4 (April 2014)</i> |
| <b>Case ID No.</b>             | 59421                           |                   |                 | <i>PCW Revision September 1, 2019</i> |
| <b>Reg. Ent. Reference No.</b> | RN102678885                     |                   |                 |                                       |
| <b>Media</b>                   | Public Water Supply             |                   |                 |                                       |
| <b>Enf. Coordinator</b>        | Samantha Salas                  |                   |                 |                                       |

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Number | 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> )  | 6      | 30%     |
|                               | Other written NOVs   | 3      | 6%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 1      | 20%     |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 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%      |
| 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)** 81%

#### >> Repeat Violator (Subtotal 3)

N/A

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

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

Satisfactory Performer

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

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for six NOVs with the same/similar violations, three NOVs with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 81%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 81%

|                                |  |                                       |                 |            |
|--------------------------------|--|---------------------------------------|-----------------|------------|
| <b>Screening Date</b>          | 10-Nov-2020  | <b>Docket No.</b>                     | 2019-1778-PWS-E | <b>PCW</b> |
| <b>Respondent</b>              | ABRAXAS CORPORATION (PCW No. 4)  |                                       |                 |            |
| <b>Case ID No.</b>             | 59421  | <i>Policy Revision 4 (April 2014)</i> |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102678885  | <i>PCW Revision September 1, 2019</i> |                 |            |
| <b>Media</b>                   | Public Water Supply  |                                       |                 |            |
| <b>Enf. Coordinator</b>        | Samantha Salas   |                                       |                 |            |
| <b>Violation Number</b>        | 1  |                                       |                 |            |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 290.46(q)(1) and (2)   |                                       |                 |            |
| <b>Violation Description</b>   | <p>Failed to issue a boil water notice to customers of the Facility within 24 hours of a water outage using the prescribed format in 30 Tex. Admin. Code § 290.47(c). Specifically, a line break repair was being conducted on August 29, 2020 causing a water outage, and a boil water notice was not issued within 24 hours to customers served by the Facility.</p> |                                       |                 |            |
| <b>Base Penalty</b>            |  |                                       |                 | \$5,000    |

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

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

**>> Programmatic Matrix**

|                     |  |                      |                      |                      |                |
|---------------------|--|----------------------|----------------------|----------------------|----------------|
| <b>Matrix Notes</b> | <b>Falsification</b>   | Major                | Moderate             | Minor                | <b>Percent</b> |
|                     |  | <input type="text"/> | <input type="text"/> | <input type="text"/> |                |
|                     | Failure to issue a boil water notice may not allow affected persons to take appropriate measures in response to the water outage and could expose persons served by the Facility to contaminants which would exceed levels protective of human health. |                      |                      |                      |                |
|                     | 0.0%   |                      |                      |                      |                |

**Adjustment**

**Violation Events**

|                                  |                                |                                |                                |                          |
|----------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------|
| Number of Violation Events       | <input type="text" value="1"/> |                                | <input type="text" value="2"/> | Number of violation days |
|                                  | 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"/> |                                |                          |
| One single event is recommended. |                                |                                |                                |                          |

**Violation Base Penalty**

**Good Faith Efforts to Comply**

|                           |  |  |                  |                                    |
|---------------------------|--|--|------------------|------------------------------------|
|                           | <b>0.0%</b>  |  | <b>Reduction</b> | <input type="text" value="\$0"/>   |
|                           | <small>Before NOE/NOV</small>  | <small>NOE/NOV to EDPRP/Settlement Offer</small> |                  |                                    |
| Extraordinary             | <input type="text"/>   | <input type="text"/>                             |                  |                                    |
| Ordinary                  | <input type="text"/>   | <input type="text"/>                             |                  |                                    |
| N/A                       | <input type="text" value="x"/>   | <input type="text"/>                             |                  |                                    |
| Notes                     | The Respondent does not meet the good faith criteria for this violation. |  |                  |                                    |
| <b>Violation Subtotal</b> |  |  |                  | <input type="text" value="\$750"/> |

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

|   |  |
|---|--|
|   | <b>Statutory Limit Test</b>  |
| <b>Estimated EB Amount</b>  | <input type="text" value="\$4"/> <b>Violation Final Penalty Total</b> <input type="text" value="\$1,358"/> |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,358"/> |  |

## Economic Benefit Worksheet

**Respondent** ABRAXAS CORPORATION (PCW No. 4)  
**Case ID No.** 59421  
**Reg. Ent. Reference No.** RN102678885  
**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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### Delayed Costs

|                          |       |             |             |      |     |     |     |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    | \$100 | 31-Aug-2020 | 8-Jun-2021  | 0.77 | \$4 | n/a | \$4 |
| 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)        | \$100 | 30-Aug-2020 | 31-Aug-2020 | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The Record Keeping System delayed cost includes the estimated amount to develop and begin maintaining a written protocol that is to be followed to ensure that boil water notices are issued in a timely manner, calculated from the date of the investigation to the estimated date of compliance.

The Other (as needed) delayed cost includes the estimated amount necessary to provide a boil water notification (\$100 per notification), calculated from the notification due date to the issuance date.

### Avoided Costs

**ANNUALIZE 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           |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

**TOTAL**

\$4



# Compliance History Report

Compliance History Report for CN600702567, RN102678885, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

|   |  |                         |                |                |       |
|---|--|-------------------------|----------------|----------------|-------|
| <b>Customer, Respondent, or Owner/Operator:</b> | CN600702567, ABRAXAS CORPORATION   | <b>Classification:</b>  | SATISFACTORY   | <b>Rating:</b> | 28.63 |
| <b>Regulated Entity:</b>                        | RN102678885, ABRAXAS UTILITIES   | <b>Classification:</b>  | NOT APPLICABLE | <b>Rating:</b> | N/A   |
| <b>Complexity Points:</b>                       | N/A  | <b>Repeat Violator:</b> | N/A            |                |       |
| <b>CH Group:</b>                                | 14 - Other   |                         |                |                |       |
| <b>Location:</b>                                | CORNER OF LUNA VISTA DRIVE AND HILLCROFT ROAD, APPROXIMATELY 5 MILES WEST OF INTERSTATE 820 LOOP NEAR FORT WORTH, PARKER COUNTY, TEXAS |                         |                |                |       |
| <b>TCEQ Region:</b>                             | REGION 04 - DFW METROPLEX  |                         |                |                |       |
| <b>ID Number(s):</b>                            |  |                         |                |                |       |
| <b>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION</b>  | 1840034  |                         |                |                |       |

|   |                                       |                     |                |                     |            |
|---|---------------------------------------|---------------------|----------------|---------------------|------------|
| <b>Compliance History Period:</b>   | September 01, 2015 to August 31, 2020 | <b>Rating Year:</b> | 2020           | <b>Rating Date:</b> | 09/01/2020 |
| <b>Date Compliance History Report Prepared:</b>   | January 27, 2021                      |                     |                |                     |            |
| <b>Agency Decision Requiring Compliance History:</b>  | Enforcement                           |                     |                |                     |            |
| <b>Component Period Selected:</b>   | January 27, 2016 to January 27, 2021  |                     |                |                     |            |
| <b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b> |                                       |                     |                |                     |            |
| <b>Name:</b>  | Samantha Salas                        | <b>Phone:</b>       | (512) 239-1543 |                     |            |

## 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  |

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

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

- Effective Date: 05/14/2018 ADMINORDER 2016-1850-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 4Q2014 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 3Q2015 - The Respondent failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2015 through the first quarter of 2016.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
Description: LCR RD MR YR2015 - The Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2011 through December 31, 2011, January 1, 2013 through December 31, 2013, January 1, 2014 through December 31, 2014, and January 1, 2015 through December 31, 2015 monitoring periods.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR YR2014 - The Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2011 through December 31, 2011, January 1, 2013 through December 31, 2013, January 1, 2014 through December 31, 2014, and January 1, 2015 through December 31, 2015 monitoring periods.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR YR2013 - The Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2011 through December 31, 2011, January 1, 2013 through December 31, 2013, January 1, 2014 through December 31, 2014, and January 1, 2015 through December 31, 2015 monitoring periods.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR YR2011 - The Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2011 through December 31, 2011, January 1, 2013 through December 31, 2013, January 1, 2014 through December 31, 2014, and January 1, 2015 through December 31, 2015 monitoring periods.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RD MR PN YR2015 Posting and Reporting Violation - Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect lead and copper tap samples for the January 1, 2015 through December 31, 2015 monitoring period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2015 - The Respondent failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2015 through the first quarter of 2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 3Q2015 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2015 to 09/30/2015 within the required timeline at EP001 and EP002.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: RAD MR 2Q2015 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: RAD MR 1Q2015 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: RAD MR 3Q2014 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: RAD MR 2Q2014 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: RAD MR 1Q2014 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015..

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: RAD MR 4Q2013 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: RAD MR 3Q2013 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: RAD MR 2Q2013 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 3Q2015 Posting and Reporting Violation - Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit the DLQOR to the Executive Director for the third quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RT MR 1st 6M2016 - d. The Respondent did not collect lead and copper tap samples at the required 20 sample sites for the January 1, 2016 through June 30, 2016 monitoring period, have the samples analyzed, and report the results to the Executive Director.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: RAD MR PN 4Q2014 Posting and Reporting Violation - Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to provide the results of radionuclide sampling for the fourth quarter of 2014. Specifically, radionuclide results were requested to be submitted within ten days of the letters dated February 17, 2016 and April 11, 2016, but were not received.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2016 - The Respondent failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2015 through the first quarter of 2016.

2 Effective Date: 11/27/2018 ADMINORDER 2018-0119-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failed to keep on file copies of well completion data

Classification: Moderate

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

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

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 21 21.4

30 TAC Chapter 290, SubChapter E 290.51(a)(6)

Description: failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91840034 for Fiscal Year 2018 and outstanding Consolidated Water Quality fees and/or any associated late fees for TCEQ Financial Administration Account No. 23007036 for Fiscal Year 2018

## B. Criminal convictions:

N/A

## C. Chronic excessive emissions events:

N/A



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

|        |                  |           |
|--------|------------------|-----------|
| Item 1 | October 17, 2019 | (1599358) |
| Item 2 | October 18, 2019 | (1602856) |

**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:        | 01/27/2020   | (1626219)                |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.108(e)  |                          |
| Description: | RAD MR 3Q2019 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2019 to 09/30/2019 within the required timeline. |                          |
  
- 2
 

|              |   |                          |
|--------------|---|--------------------------|
| Date:        | 03/11/2020  | (1631154)                |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(m)(1)   |                          |
| Description: | Failure to conduct annual inspections of the elevated storage tank.<br>EIC B1 Mod(2)(E) |                          |
  
- 3
 

|              |   |                          |
|--------------|---|--------------------------|
| Date:        | 03/13/2020  | (1665196)                |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)<br>30 TAC Chapter 290, SubChapter F 290.117(h)<br>30 TAC Chapter 290, SubChapter F 290.117(i)(1)  |                          |
| Description: | LCR RT MR 2nd 6M2019 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2019 to 12/31/2019 within the required timeline. |                          |
  
- 4
 

|              |   |                          |
|--------------|---|--------------------------|
| Date:        | 03/17/2020  | (1665196)                |
| Self Report? | NO  | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)<br>30 TAC Chapter 290, SubChapter F 290.122(f)  |                          |
| Description: | COMB RAD MCL PN 3Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the third quarter of 2019. |                          |
  
- 5
 

|              |  |                          |
|--------------|--|--------------------------|
| Date:        | 04/16/2020   | (1665196)                |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.108(e)  |                          |
| Description: | RAD MR 4Q2019 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2019 to 12/31/2019 within the required timeline. |                          |
  
- 6
 

|              |  |                          |
|--------------|--|--------------------------|
| Date:        | 04/24/2020   | (1638976)                |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(d)(2)<br>30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)<br>30 TAC Chapter 290, SubChapter F 290.110(b)(4)                    |                          |
| Description: | Failure to maintain a disinfectant residual of at least 0.2 milligrams per liter (mg/L) free chlorine throughout the distribution system.<br>B18c.(6), Moderate (2)(G) |                          |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(q)(1)  |                          |
| Description: | Failure to provide a copy of the boil water notice (BWN) to the executive director within 24 hours of being issued.<br>C3, Moderate (2)(B)                             |                          |
  
- 7
 

|              |   |                       |
|--------------|---|-----------------------|
| Date:        | 05/15/2020  | (1644231)             |
| Self Report? | NO  | Classification: Minor |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(m)  |                       |
| Description: | EIC C4, Min (3)(D)<br><br>Failure to ensure the good working condition and general appearance of the water system's facilities and equipment. |                       |
| Self Report? | NO  | Classification: Minor |

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)  
Description: EIC C4, Min (3)(D)

Failure to install air release device vent in a manner to preclude the possible entrance of contaminants. Specifically, the air release device vents on both wells were facing upwards.

- 8      Date: 06/09/2020      (1665196)  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: COMB RAD MCL PN 4Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the fourth quarter of 2019.  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: COMB RAD MCL PN 2Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the second quarter of 2018.  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: COMB RAD MCL PN 1Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the first quarter of 2018.
- 9      Date: 01/06/2021      (1690717)  
Self Report? NO      Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)(4)  
Description: Failure to install the water distribution line no less than 24 inches below the ground surface.  
EIC C4 MOD(2)(G)  
Self Report? NO      Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)(1)  
30 TAC Chapter 290, SubChapter D 290.44(a)(2)  
30 TAC Chapter 290, SubChapter D 290.44(a)(3)  
Description: Failure to have the plastic pipes conformed to American National Standards Institute/NSF International (ANSI/NSF) Standard 61.  
EIC C4 MOD(2)(G)

**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

## **Component Appendices**

### **Appendix A**

#### **All NOVs Issued During Component Period 1/27/2016 and 1/27/2021**

- 1 Date: 11/10/2014 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
Description: LCR RD MR YR2014 - The Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2011 through December 31, 2011, January 1, 2013 through December 31, 2013, January 1, 2014 through December 31, 2014, and January 1, 2015 through December 31, 2015 monitoring periods.
- 2 Date: 11/18/2015 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
Description: LCR RD MR YR2015 - The Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2011 through December 31, 2011, January 1, 2013 through December 31, 2013, January 1, 2014 through December 31, 2014, and January 1, 2015 through December 31, 2015 monitoring periods.
- 3 Date: 12/17/2015 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
Description: LCR RD MR YR2013 - The Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2011 through December 31, 2011, January 1, 2013 through December 31, 2013, January 1, 2014 through December 31, 2014, and January 1, 2015 through December 31, 2015 monitoring periods.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
Description: LCR RD MR YR2011 - The Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2011 through December 31, 2011, January 1, 2013 through December 31, 2013, January 1, 2014 through December 31, 2014, and January 1, 2015 through December 31, 2015 monitoring periods.
- 4 Date: 01/20/2016 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 3Q2015 - The Respondent failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2015 through the first quarter of 2016.
- 5 Date: 03/11/2016 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 4Q2014 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.
- 6 Date: 03/24/2016 (1324699)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: LCR RD MR PN YR2015 Posting and Reporting Violation - Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect lead and copper tap samples for the January 1, 2015 through December 31, 2015 monitoring period.

7 Date: 04/11/2016 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 4Q2015 - The Respondent failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2015 through the first quarter of 2016.

8 Date: 04/25/2016 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
30 TAC Chapter 290, SubChapter F 290.108(f)(4)  
Description: RAD MR 3Q2015 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2015 to 09/30/2015 within the required timeline at EP001 and EP002.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 2Q2015 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 1Q2015 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 3Q2014 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 2Q2014 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 1Q2014 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015..

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 4Q2013 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 3Q2013 - The Respondent failed to provide the results of quarterly radionuclide sampling for the second quarter of 2013 through the third quarter of 2015.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 2Q2013 - The Respondent failed to provide the results of quarterly

- 9 Date: 05/17/2016 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: DLQOR MR PN 3Q2015 Posting and Reporting Violation - Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit the DLQOR to the Executive Director for the third quarter of 2015.
- 10 Date: 07/11/2016 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: RAD MR PN 4Q2014 Posting and Reporting Violation - Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to provide the results of radionuclide sampling for the fourth quarter of 2014. Specifically, radionuclide results were requested to be submitted within ten days of the letters dated February 17, 2016 and April 11, 2016, but were not received.
- 11 Date: 07/14/2016 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 1Q2016 - The Respondent failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2015 through the first quarter of 2016.
- 12 Date: 08/09/2016 (1324699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
Description: LCR RT MR 1st 6M2016 - d. The Respondent did not collect lead and copper tap samples at the required 20 sample sites for the January 1, 2016 through June 30, 2016 monitoring period, have the samples analyzed, and report the results to the Executive Director.
- 13 Date: 07/20/2017 (1414990)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)  
Description: Failure to provide a well production capacity of at least 0.6 gallons per minute per connection.  
EIC C4 MIN(3)(D)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)  
Description: Failure to maintain the elevated storage tank in a watertight condition.  
EIC14 C4 MIN(3)(D)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)  
Description: Failure to provide a proper flow meter at Well #2.  
EIC C4 MIN(3)(D)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)  
Description: Failure to monitor and record the volume of water treated and distributed on a weekly basis.  
EIC14 B3 MOD (2)(B)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description: Failure to maintain the seal on wellhead at Well #1 and Well #2.  
EIC B18 MOD(2)(G)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)  
Description: Failed to keep on file copies of well completion data  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to provide a well casing vent on Well #2.  
EIC C4 MIN(3)(D)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

Description: Failure to practice good maintenance and housekeeping around the fencing at both water plants.  
EIC C4 MIN(3)(D)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)

Description: Failure to install 16-mesh of finer screening material on air release devices on Well #1 and Well #2.  
EIC C4 MIN(3)(D)

- 14 Date: 06/12/2018 (1483368)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
- Description: Failure to maintain 0.2 mg/L free chlorine on May 1, 2018 on Arrowhead Street.  
B12
- 15 Date: 10/23/2018 (1626219)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
- Description: RAD MR 1Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018 within the required timeline.
- 16 Date: 02/22/2019 (1626219)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
- Description: RAD MR 3Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the required timeline.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
- Description: RAD MR 2Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2018 to 06/30/2018 within the required timeline.
- 17 Date: 06/18/2019 (1626219)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
- Description: RAD MR 4Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2018 to 12/31/2018 within the required timeline.
- 18\* Date: 09/18/2019 (1665196)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
- Description: LCR RT MR 1st 6M2019 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2019 to 06/30/2019 within the required timeline.
- 19\* Date: 10/11/2019 (1626219)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
- Description: RAD MR 1Q2019 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 01/01/2019 to 03/31/2019 within the required timeline.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2018 - The system failed to provide the Consumer Confidence Report (CCR) for 2018 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

- 20\* Date: 11/08/2019 (1626219)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 2Q2019 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2019 to 06/30/2019 within the required timeline.
- 21\* Date: 01/27/2020 (1626219)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 3Q2019 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2019 to 09/30/2019 within the required timeline.
- 22\* Date: 03/11/2020 (1631154)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: Failure to conduct annual inspections of the elevated storage tank.  
EIC B1 Mod(2)(E)
- 23\* Date: 03/13/2020 (1665196)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
Description: LCR RT MR 2nd 6M2019 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2019 to 12/31/2019 within the required timeline.
- 24\* Date: 03/17/2020 (1665196)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: COMB RAD MCL PN 3Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the third quarter of 2019.
- 25\* Date: 04/16/2020 (1665196)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 4Q2019 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2019 to 12/31/2019 within the required timeline.
- 26\* Date: 04/24/2020 (1638976)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)  
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 disinfectant residual of at least 0.2 milligrams per liter (mg/L) free chlorine throughout the distribution system.  
B18c.(6), Moderate (2)(G)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)  
Description: Failure to provide a copy of the boil water notice (BWN) to the executive director within 24 hours of being issued.  
C3, Moderate (2)(B)
- 27\* Date: 05/15/2020 (1644231)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: EIC C4, Min (3)(D)

Failure to ensure the good working condition and general appearance of the water system's facilities and equipment.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)  
Description: EIC C4, Min (3)(D)

Failure to install air release device vent in a manner to preclude the possible entrance of contaminants. Specifically, the air release device vents on both wells were facing upwards.

28\* Date: 06/09/2020 (1665196)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: COMB RAD MCL PN 4Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the fourth quarter of 2019.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: COMB RAD MCL PN 2Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the second quarter of 2018.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: COMB RAD MCL PN 1Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for Combined Radium during the first quarter of 2018.

29 Date: 01/06/2021 (1690717)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)(4)  
Description: Failure to install the water distribution line no less than 24 inches below the ground surface.  
EIC C4 MOD(2)(G)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)(1)  
30 TAC Chapter 290, SubChapter D 290.44(a)(2)  
30 TAC Chapter 290, SubChapter D 290.44(a)(3)  
Description: Failure to have the plastic pipes conformed to American National Standards Institute/NSF International (ANSI/NSF) Standard 61.  
EIC C4 MOD(2)(G)

\* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020



## Appendix B

### All Investigations Conducted During Component Period January 27, 2016 and January 27, 2021

|         |                      |           |
|---------|----------------------|-----------|
| Item 1  | September 02, 2016** | (1324699) |
| Item 2  | September 09, 2016** | (1358470) |
| Item 3  | January 08, 2018**   | (1454837) |
| Item 4* | October 17, 2019**   | (1599358) |
| Item 5* | October 18, 2019**   | (1602856) |
| Item 6  | February 07, 2020**  | (1626219) |
| Item 7  | February 14, 2020**  | (1629856) |
| Item 8  | March 03, 2020**     | (1631154) |
| Item 9  | April 24, 2020**     | (1645366) |
| Item 10 | July 29, 2020**      | (1665196) |
| Item 11 | July 31, 2020**      | (1665381) |

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ABRAXAS CORPORATION  
RN102678885**

**§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2019-1778-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ABRAXAS CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

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

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

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

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located at the corner of Luna Vista Drive and Hillcroft Road, approximately five miles west of Interstate 820 Loop near Fort Worth, Parker County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 184 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(73).
2. During an investigation conducted on October 28, 2019 through October 30, 2019, an investigator documented that:
  - a. On October 28, 2019, a sample taken at 208 Clearwood Drive measured 0.0 milligrams per liter ("mg/L") free chlorine, and a sample taken at 312 Arrowhead Street measured 0.0 mg/L free chlorine. On October 30, 2019, a sample taken at 312 Arrowhead Street measured 0.0 mg/L free chlorine.

- b. The disinfectant residuals measured 0.0 mg/L free chlorine at 208 Clearwood Drive and 312 Arrowhead Street on October 28, 2019, and the Respondent did not provide a boil water notice to affected persons within 24 hours.
3. During a record review conducted on July 20, 2020 through July 31, 2020, an investigator documented that:
  - a. The Respondent did not provide the results of radionuclides sampling to the Executive Director for the first quarter of 2018 through the fourth quarter of 2019.
  - b. The Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and did not submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the 2018 calendar year.
  - c. The Respondent did not collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 and July 1, 2019 through December 31, 2019 monitoring periods.
  - d. The Respondent did not provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant level ("MCL") for combined radium during the first quarter of 2018, second quarter of 2018, and fourth quarter of 2019. Specifically, public notifications were required by May 19, 2020, but were not provided.
  - e. The Respondent did not provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL for combined radium during third quarter of 2019. Specifically, public notification was required by February 27, 2020, but was not provided.
4. During a record review conducted on August 13, 2020, an investigator documented that the Respondent did not pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 15596 for calendar year 2019.
5. During an investigation conducted on August 31, 2020, an investigator documented that a line break repair was being conducted on August 29, 2020 causing a water outage, and a boil water notice was not issued within 24 hours to customers served by the Facility.

6. The Executive Director recognizes that the Respondent issued a boil water notice on October 30, 2019 due to a low disinfectant residual and August 31, 2020 due to a water outage.

## **II. CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to issue a boil water notice to customers of the Facility within 24 hours of a low disinfectant residual using the prescribed format in 30 TEX. ADMIN. CODE § 290.47(c), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1).
4. As evidenced by Finding of Fact No. 3.a, the Respondent failed to provide the results of radionuclides sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.108(e).
5. As evidenced by Finding of Fact No. 3.b, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
6. As evidenced by Finding of Fact No. 3.c, the Respondent failed to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1).
7. As evidenced by Finding of Fact No. 3.d, the Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL for combined radium, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f).
8. As evidenced by Finding of Fact No. 3.e, the Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL for combined radium, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(2)(A) and (f).

9. As evidenced by Finding of Fact No. 4, the Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 15596, in violation of 30 TEX. ADMIN. CODE § 291.76 and TEX. WATER CODE § 5.702.
10. As evidenced by Finding of Fact No. 5, the Respondent failed to issue a boil water notice to customers of the Facility within 24 hours of a water outage using the prescribed format in 30 TEX. ADMIN. CODE § 290.47(c), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1) and (2).
11. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of \$10,365 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). The Revenue Operations Section of TCEQ's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all or part of the penalty and qualifies for a deferral of all or part of the penalty under TEX. WATER CODE § 7.034. Therefore, \$9,165 of the penalty is deferred contingent upon the Respondent's compliance with all the terms of this Order and shall be waived only upon full compliance with all of the terms and conditions in this Order. If the Respondent fails to comply with any requirement of this Order, including any payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent paid \$100 of the undeferred penalty. The remaining amount of \$1,100 of the undeferred penalty shall be paid in 11 monthly payments of \$100 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty.

### **III. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 12 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the

Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ABRAXAS CORPORATION, Docket No. 2019-1778-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirement:
  - a. Within 30 days after the Effective date of this Order:
    - i. Ensure that all delinquent drinking water chemical analysis results for radionuclides are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE § 290.108;
    - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for radionuclides are released by the Facility's laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance 30 TEX. ADMIN. CODE § 290.108;
    - iii. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274;
    - iv. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117;
    - v. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon the

timely delivery of all lead and copper tap sampling results to the Executive Director for one compliant monitoring period;

- vi. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL for combined radium for the first quarter of 2018, second quarter of 2018, third quarter of 2019, and fourth quarter of 2019 monitoring periods, in accordance with 30 TEX. ADMIN. CODE § 290.122;
  - vii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;
  - viii. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 15596 for the 2019 calendar year. The payment, along with the associated Revenue and Regulatory Assessment Reports, shall be sent to the address listed in Ordering Provision No. 1;
  - ix. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure a disinfectant residual concentration of at least 0.2 mg/L of free chlorine is maintained throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110;
  - x. Maintain a disinfectant residual concentration of at least 0.2 mg/L of free chlorine at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110. This provision will be satisfied upon the delivery of disinfectant residual results to the Executive Director for one compliant month; and
  - xi. Develop a written protocol to ensure that all future boil water notifications for water outages are provided to customers of the Facility within 24 hours, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Order:
- i. 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 Nos. 2.a.i, 2.a.ii, 2.a.iii, 2.a.iv, 2.a.vi, 2.a.vii, 2.a.ix, and 2.a.xi; and

- ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

CCR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this 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.b.ii.
- d. Within 75 days after the effective date of this 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.x.
- e. Within 225 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.v. The certification shall be signed by the 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:



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

and:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 78711-3087

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 the Respondent. The 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 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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 in this Order.
7. 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.
8. This 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 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.
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

4/17/2025


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, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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

  
Signature

2-16-25  
Date

Laura Farhood Warren

Name (Printed or typed)  
Authorized Representative of  
ABRAXAS CORPORATION

General Manager  
Title

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

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