TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: $^{\mathcal{MBC}}$ Melissa Cordell, Assistant Deputy Director

Enforcement Division

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

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 \S 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)].

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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

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

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- 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)].

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

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.ii., a.iv., a.vi., a.vi., 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

Policy Revision 4 (April 2014)

PAYABLE PENALTY

PCW Revision September 1, 2019

\$2,628

TCEQ								
DATES	Assigned	16-Dec-2019						
	PCW	8-Jun-2020	Screenii	18-Dec-2019	EPA Due			
							•	
RESPO	NDENT/FACILI							
	Respondent	ABRAXAS CORP	ORATION (PCW No. 1)				
Reg	g. Ent. Ref. No.	RN102678885						
Facili	ty/Site Region	4-Dallas/Fort Wo	orth		Major/I	Minor Source	Minor	
							•	
	NFORMATION				_			
En	f./Case ID No.				No.	of Violations	2	
	Docket No.	2019-1778-PWS	-E			Order Type		
Med	lia Program(s)	Public Water Sup	pply			t/Non-Profit		
	Multi-Media				Enf.		Samantha Salas	
						EC's Team	Enforcement Te	eam 8
Adr	nin. Penalty \$ L	imit Minimum	\$50	Maximum	\$5,000			
			Pena	alty Calcula	ition Secti	on		
TOTAL	DACE DENA	LTV (C		•		.		±4 F00
IOIA	L BASE PENA	LIY (Sum of	violatio	n base penal	ties)		Subtotal 1	\$1,500
ADILIO	STMENTS / ±	/_\ TO CURT	OTAL 1					
ADJUS	STMENTS (+)	tained by multiplying	OIAL I	se Penalty (Subtotal	1) by the indicated i	nercentage		
	Compliance His		g the rotal ba	81.0%			tals 2, 3, & 7	\$1,215
		•			.,			Ψ1/213
				s with the same/s		,		
	Notes	with dissimi	lar violatior	ns, one agreed or	der containing a	a denial of		
		liability,	and one ag	greed order witho	ut a denial of lia	ability.		
	L							
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	espondent o	does not meet the	e culpability crit	eria.		
	Good Faith Effo	ort to Comply T	otal Adjus	stments			Subtotal 5	-\$187
	F	. C.L.		0.00/			Culturate LC	
	Economic Bene	Total EB Amounts	¢100		Enhancement* ed at the Total EB \$	Amount	Subtotal 6	\$0
	Estimated	Cost of Compliance	\$108 \$300	Сарре	eu at the Total LD \$	Amount		
			φσσσ					
SUM (OF SUBTOTAL	S 1-7				F	inal Subtotal	\$2,528
						-		, ,
OTHE	R FACTORS A	S HISTICE N	AAV REO	IITRE	4.0%		Adjustment	\$100
Reduces of	or enhances the Final	Subtotal by the indi	cated percent	age.	4.0 /0		Aujustinent	Ψ100
							1	
	Notes	Enhancement to	o capture t	he avoided cost of	•	sociated with		
	110100			Violation No. 1				
	ı					Final Per	alty Amount	\$2,628
						i iiidi i Ci	anty Amount	Ψ2/020
CTATI	JTORY LIMIT	ADJUSTME	uT			Final Acco	ssed Penalty	\$2,628
SIAIL	O LOK I LIMIT	ADJUSTNEI	1			riliai ASSE	sseu renaity	\$2,U20
DECE	DD A I				0.00	D. J		
DEFE		aalta da saba sa da da s	d		0.0%	Reduction	Adjustment	\$0
keauces t	he Final Assessed Pe: آ	naity by the indicate	u percentage.				1	
	NI-t	NIS	doforralia	rocommonded for	· Findings Ords			
	Notes	NO (uererrai is i	recommended for	ringings Order	5.		
							1	

Screening Date 18-Dec-2019

Docket No. 2019-1778-PWS-E

Respondent ABRAXAS CORPORATION (PCW No. 1)

Case ID No. 59421

Reg. Ent. Reference No. RN102678885

Media Public Water Supply

Enf. Coordinator Samantha Salas

Policy Revision 4 (April 2014) PCW Revision September 1, 2019

Component	Number of	Number	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	6	30%
	Other written NOVs	3	6%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	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 Per	centage (Su	btotal 2

N/A

Adjustment Percentage (Subtotal 3)

>> 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%

		ening Date			2019-1778-PWS-E		PCW
	F	Respondent	ABRAXAS CORPORATION (PC	W No. 1)		Policy F	Revision 4 (April 2014)
		Case ID No.				PCW Revision	on September 1, 2019
Reg.	Ent. Ref		RN102678885				
			Public Water Supply				
			Samantha Salas				
	Viola	ation Number	1				
		Rule Cite(s)		0.46(d)(2)(A) and 290 afety Code § 341.0315		ealth &	
	Violatio	n Description	Failed to maintain a disinfect: of free chlorine throughout October 28, 2019, a sample t chlorine, and a sample take chlorine. On October 30, 201	the distribution systen taken at 208 Clearwood en at 312 Arrowhead St 9, a sample taken at 3	n at all times. Specifica I Drive measured 0.0 r creet measured 0.0 mg 12 Arrowhead Street n	ally, on mg/L free g/L free	
				0.0 mg/L free chlorine		Penalty	\$5,000
							45,000
>> En	vironme	ntal, Prope	ty and Human Health	Matrix			
		Release	Harm Major Moderate	Minor			
OR		Actual		Fillion			
		Potential			Percent 15.0%		
>>Pro	gramma	tic Matrix Falsification	Major Moderate	Minor			
		Taisincation	Major	MINO	Percent 0.0%		
		<u> </u>	<u> </u>		0.070		
	Matrix Notes	Failure to m	aintain proper levels of disinfe contaminants which would ex	· · · · · · · · · · · · · · · · · · ·	•	cility to	
						±4.2F0	
				Ad	justment	\$4,250	
							\$750
Violati	on Even	t-c					
Violati	IOII EVEII	LS					
		Number of \	/iolation Events 1	3	Number of violation d	lays	
				<u>-</u>	=		
			daily				
			weekly monthly				
			quarterly		Violation Base	Penalty	\$750
			semiannual				·
			annual				
			single event x				
			One single e	vent is recommended.			
Cood	:46 FEE	t t C					¢0
Good F	raith Eff	orts to Com	ply 0.0% Before NOE/NOV	NOE/NOV to EDPRP/Settlem		Reduction	\$0
			Extraordinary	TO E/TO V TO EDITING OCCUR.	1		
			Ordinary				
			N/A x		<u> </u>		
			Notes The Responde	ent does not meet the g this violation.	good faith criteria for		
					Violation	Subtotal	\$750
Econor	mic Bene	efit (FR) for	this violation		Statutory Limit	Test	
	2 0.10			4100	_		
		Estimate	ed EB Amount	\$108	Violation Final Pena	ity i otai	\$1,411
			This viola	tion Final Assessed I	Penalty (adjusted fo	r limits)	\$1,411

	E	conomic	Benefit	Wo	rksheet		
Respondent	ABRAXAS COR	RPORATION (PCW	No. 1)				
Case ID No.		•	,				
Reg. Ent. Reference No.							
	Public Water S						Years of
Violation No.		ыирріу				Percent Interest	Depreciation
Violation No.	1					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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	procedures, g	guidance, training ee chlorine is mair	, and/or oversigntained through	ht to er out the	nsure a disinfectan	vements to the Facilit residual concentra nat all times, calculation of compliance.	tion of at least
Avoided Costs	ANNU	ALIZE avoided o	osts before er	tering	item (except for	one-time avoided	d 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			maintained thi	oughou		nance and oversight system, calculated fo ed.	
Approx. Cost of Compliance		\$200			TOTAL		\$108

			18-Dec-2019		ocket No. 2019-1778	-PWS-E	PCW
		•		PORATION (PCW No. 1)		Policy	Revision 4 (April 2014)
		se ID No.				PCW Revis	sion September 1, 2019
Reg. Ent	t. Refer		RN102678885				
_			Public Water S				
E			Samantha Sala	S 1			
		on Number					
	R	ule Cite(s)		30 Tex. Admin.	Code § 290.46(q)(1)		
				e a boil water notice to cu			
				tant residual using the pro			
VIC	olation L	escription		cifically, the disinfectant i ood Drive and 312 Arrowh			
				d not provide a boil water			
				,			
						Base Penalty	\$5,000
						base reliaity	\$3,000
>> Enviro	nmenta	al, Proper	ty and Hum	an Health Matrix			
		_	_	Harm			
OR		Release	Major	Moderate Minor	╗		
OK		Actual Potential			Percent	15.0%	
		roteritiai	X		_ rerectiv_	13.0%	
>>Program	mmatic	Matrix					
, , , , , , , , , , , , , , , , , , ,		alsification	Major	Moderate Minor			
					Percent	0.0%	
M-	atrix Fa			otice may not allow affect			
	otes	response		ant residuals and could e			
140	otes		contaminants	which would exceed levels	protective of human he	alth.	
						+4.250	
					Adjustment	\$4,250	
							\$750
						[\$750
Violation E	Events						\$750
Violation E							\$750
Violation E		Number of \	/iolation Events	1	Number of	violation days	\$750
Violation E		Number of \		1	Number of	violation days	\$750
Violation E		Number of \	daily	1	Number of	violation days	\$750
Violation E		Number of \	daily weekly	1	Number of	violation days	\$750
Violation E		Number of \	daily			violation days tion Base Penalty	\$750 \$750
Violation E		Number of \	daily weekly monthly				·
Violation E		Number of \	daily weekly monthly quarterly				·
Violation E		Number of \	daily weekly monthly quarterly semiannual				·
Violation E		Number of \	daily weekly monthly quarterly semiannual annual				·
Violation E		Number of \	daily weekly monthly quarterly semiannual annual	X	Viola		·
Violation E		Number of \	daily weekly monthly quarterly semiannual annual		Viola		·
Violation E		Number of \	daily weekly monthly quarterly semiannual annual	X	Viola		·
Violation E			daily weekly monthly quarterly semiannual annual single event	X	Viola		·
			daily weekly monthly quarterly semiannual annual single event	One single event is rec	Viola	tion Base Penalty	\$750
			daily weekly monthly quarterly semiannual annual single event	One single event is rec	Viola ommended.	tion Base Penalty	\$750
			daily weekly monthly quarterly semiannual annual single event	One single event is rec	Viola ommended.	tion Base Penalty	\$750
			daily weekly monthly quarterly semiannual annual single event	One single event is reco	Viola ommended.	tion Base Penalty	\$750
			daily weekly monthly quarterly semiannual annual single event	One single event is reco	Viola ommended. EDPRP/Settlement Offer	tion Base Penalty	\$750
			daily weekly monthly quarterly semiannual annual single event	One single event is reco	Viola ommended.	tion Base Penalty	\$750
			daily weekly monthly quarterly semiannual annual single event	One single event is reco	Wiola Dommended. EDPRP/Settlement Offer Wed compliance on Octob	tion Base Penalty	\$750
			daily weekly monthly quarterly semiannual annual single event	One single event is reco	ommended. EDPRP/Settlement Offer ved compliance on Octob 2019.	tion Base Penalty	\$750
Good Faith	h Effort	s to Com	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	One single event is recommendate to the single event is recommendate. 25.0% Refore NOE/NOV NOE/NOV to the single event is recommendate. The Respondent achie	Wiola Dommended. EDPRP/Settlement Offer Ved compliance on Octob 2019.	Reduction er 30, Violation Subtotal	\$750 \$187
Good Faith	h Effort	s to Com	daily weekly monthly quarterly semiannual annual single event	One single event is recommendate to the single event is recommendate. 25.0% Refore NOE/NOV NOE/NOV to the single event is recommendate. The Respondent achie	Wiola Dommended. EDPRP/Settlement Offer Ved compliance on Octob 2019.	Reduction	\$750 \$187
Good Faith	h Effort	s to Com	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	One single event is reconstruction of the Respondent achie	viola pommended. EDPRP/Settlement Offer ved compliance on Octob 2019. Statutor	Reduction er 30, Violation Subtotal	\$750 \$187
Good Faith	h Effort	s to Com	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes this violation	One single event is reconstruction of the Respondent achie	viola pommended. EDPRP/Settlement Offer ved compliance on Octob 2019. Statutor	Reduction Reduction Violation Subtotal Ty Limit Test inal Penalty Total	\$750 \$187 \$563

	E	conomic	Benefit	Wo	rksheet		
Respondent	ABRAXAS COR	PORATION (PCW	No. 1)				
Case ID No.	59421						
Reg. Ent. Reference No.	RN102678885						
	Public Water S						Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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
	The delayed o	ost includes the e	stimated amour	nt to de	velon and begin m	aintaining a written	protocol that is
Notes for DELAYED costs						anner, calculated from	
Notes for DELATED Costs	to be followed	a to ensure that t			e date of complian	,	official date of
			the investigation	יוו נט נווי	e date of compliant	ce.	
Avoided Costs	ANNU	ALIZE avoided o	osts before er	tering	item (except for	one-time avoide	d 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



PCW Revision March 26, 2014

AMENTAL OU	Policy F	Revision 4 (April 2014))		PCW Revis	sion March 26, 2014
DATES	Assigned PCW	3-Aug-2020	Save anima 12 Aug 2020	EDA Due 30 lun 2020	7	
	PCW	17-Aug-2020	Screening 13-Aug-2020	EPA Due 30-Jun-2020		
RESPO	NDENT/FACILI	TY INFORMATION	ON			
	Respondent	ABRAXAS CORPO	ORATION (PCW No. 2)			
	j. Ent. Ref. No.				_	
Facilit	ty/Site Region	4-Dallas/Fort Wo	orth	Major/Minor Source	Minor	
CACET	NFORMATION					
	f./Case ID No.	E0421		No. of Violations	2	
Eni		2019-1778-PWS	-F	Order Type	-	
Med		Public Water Sup		Government/Non-Profit		
ricu	Multi-Media		эргу		Samantha Salas	
					Enforcement Tear	m 8
Adn	nin. Penalty \$ 1	Limit Minimum	\$50 Maximum	\$1,000		
	-					
			Penalty Calcula	ition Section		
TOTAL	L BASE PENA	LTY (Sum of	violation base penal	ties)	Subtotal 1	\$500
ADJUS	STMENTS (+	/-) TO SUBTO	OTAL 1			
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Subtotals 2-7 are ol	otained by multiplying	the Total Base Penalty (Subtotal :	l) by the indicated percentage.		
	Compliance Hi	story	81.0%	Adjustment Subt	otals 2, 3, & 7	\$405
		Enhancement for	or six NOVs with the same/s	imilar violations, three NOVs		
	Notes	with dissimil	ar violations, one agreed or	der containing a denial of		
		liability,	and one agreed order witho	ut a denial of liability.		
	Culpability	No	0.00/-	Enhancement	Subtotal 4	\$0
	Cuipability	INO	0.0%	Limancement	Subtotal 4	\$ 0
	Notes	The Re	spondent does not meet the	e culpability criteria.		
	11000					
					<u></u>	
	Good Faith Eff	ort to Comply T	otal Adjustments		Subtotal 5	\$0

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0

Total EB Amounts *Capped at the Total EB \$ Amount Estimated Cost of Compliance \$2,762

SUM OF SUBTOTALS 1-7 \$905 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. 86.7% \$785 Adjustment

Notes

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

STATUTORY LIMIT ADJUSTMENT \$1,690 Final Assessed Penalty

Final Penalty Amount

\$1,690

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

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$1,690 Screening Date 13-Aug-2020

Docket No. 2019-1778-PWS-E

Respondent ABRAXAS CORPORATION (PCW No. 2)

Case ID No. 59421

Reg. Ent. Reference No. RN102678885

Media Public Water Supply

Enf. Coordinator Samantha Salas

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Compliance History Worksheet

>>	Compliance Hist	ory Site Enhancement (Subtotal 2)
	Component	Number of

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%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	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		25%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)		0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Environmental management systems in place for one year or more	No	00%

	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)

>> 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)

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

		ening Date				t No. 2019-1778-PWS-E		PCW
	F	Respondent	ABRAXAS COR	RPORATION (PO	CW No. 2)		Policy	Revision 4 (April 2014)
		Case ID No.					PCW R	Revision March 26, 2014
Reg.	Ent. Ref		RN102678885					
			Public Water S					
			Samantha Sala	as				
	Viol	ation Number	1					1
		Rule Cite(s)		20.7	Admin Cada	5 200 100(-)		
				30 1	ex. Admin. Code	§ 290.108(e)		
	Violatio	n Description				sampling to the Executive D	irector for	
		·	the	first quarter o	of 2018 through th	ne second quarter of 2019.		
						Bas	e Penalty	\$1,000
>> Env	vironme	ntal, Propei	rty and Hun	nan Health	Matrix			
				Harm				
O D		Release		Moderate	Minor			
OR		Actual				Doveent 0.00/		
		Potential				Percent 0.0%		
>>Pro	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
			х			Percent 5.0%		
								1
	Matrix		40	00/ 511 1				
	Notes		100	0% of the rule	requirements we	re not met.		
						Adjustment	\$950	
								# F0
								\$50
								122
Violatio	on Even	ts					ı	
Violatio	on Even		(islation Franks		1			,
Violatio	on Even		/iolation Events	6	<u> </u>	Number of violation	days	
Violatio	on Even			6]	Number of violation	days	
Violatio	on Even		daily	6		Number of violation	days	
Violatio	on Even		daily weekly	6		Number of violation	days	
Violatio	on Even		daily weekly monthly	6	<u> </u>			\$300
Violatio	on Even		daily weekly	6		Number of violation Violation Bas		
Violatio	on Even		daily weekly monthly quarterly	6				
Violatio	on Even		daily weekly monthly quarterly semiannual	6				
Violatio	on Even		daily weekly monthly quarterly semiannual annual					
Violatio	on Even		daily weekly monthly quarterly semiannual annual	X		Violation Bas		
Violatio	on Even		daily weekly monthly quarterly semiannual annual	X	rents are recomm	Violation Bas		
		Number of \	daily weekly monthly quarterly semiannual annual single event	x Six single ev	rents are recomm	Violation Bas ended.	e Penalty	\$300
			daily weekly monthly quarterly semiannual annual single event	X	rents are recomm	Violation Bas ended.		
		Number of \	daily weekly monthly quarterly semiannual annual single event	x Six single ev 0.0% Before NOE/NOV	rents are recomm	Violation Bas ended.	e Penalty	\$300
		Number of \	daily weekly monthly quarterly semiannual annual single event	Six single ev 0.0% Before NOE/NOV	rents are recomm	Violation Bas ended.	e Penalty	\$300
		Number of \	daily weekly monthly quarterly semiannual annual single event	Six single ev 0.0% Before NOE/NOV	rents are recomm	Violation Bas ended.	e Penalty	\$300
		Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	Six single ev 0.0% Before NOE/NOV	ents are recomm	Violation Bas ended. /Settlement Offer	e Penalty	\$300
		Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	Six single ev 0.0% Before NOE/NOV X The Respond	ents are recomm	Violation Bas ended. /Settlement Offer the good faith criteria for	e Penalty	\$300
		Number of \	daily weekly monthly quarterly semiannual annual single event	Six single ev 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRP	Violation Bas ended. /Settlement Offer the good faith criteria for	e Penalty	\$300
		Number of \	daily weekly monthly quarterly semiannual annual single event	Six single ev 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRP	Violation Bas ended. /Settlement Offer t the good faith criteria for ation.	e Penalty	\$300
Good F	aith Effe	Number of N	daily weekly monthly quarterly semiannual annual single event	Six single ev 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRP	Violation Bas ended. /Settlement Offer t the good faith criteria for thion. Violation	Reduction	\$300
Good F	aith Effe	Number of N	daily weekly monthly quarterly semiannual annual single event	Six single ev 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRP	Violation Bas ended. /Settlement Offer t the good faith criteria for ation.	Reduction	\$300
Good F	aith Effe	Number of Norts to Com	daily weekly monthly quarterly semiannual annual single event	Six single ev 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRP	Violation Bas ended. /Settlement Offer t the good faith criteria for thion. Violation	Reduction Subtotal	\$300
Good F	aith Effe	Number of Norts to Com	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	Six single ev 0.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRP. ent does not mee this viola	Violation Bas ended. /Settlement Offer t the good faith criteria for stion. Violation Statutory Limit	Reduction Subtotal t Test alty Total	\$300 \$0 \$300 \$1,014

Doom on Jone		conomic		Wo	rksheet		
Case ID No. Reg. Ent. Reference No.	59421	RPORATION (PCW	No. 2)				
	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$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 Other (as needed)	\$1,676	10-Apr-2018	8-Jun-2021	0.00 3.16	\$0 \$265	n/a n/a	<u>\$0</u> \$265
Notes for DELAYED costs	Facility's labo The Other (\$279.35 fo	ratories and repor (as needed) dela r radionuclides x s	ted to the Exec estimate yed cost include ix samples) so ate the samplin	utive D ed date es the e that the g result	irector, calculated of compliance. estimated amount to lab will release all	sample results are from the record rev to pay any outstand drinking water che earliest monitoring	iew date to the ing lab fees mical analysis
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0 \$0
Notes for AVOIDED costs		1					7 -
Approx. Cost of Compliance		\$1,776			TOTAL		\$269

Sci	eening Date			10. 2019-1778-PWS-E	PCW
	Respondent	ABRAXAS CORPORATION (F	PCW No. 2)		Policy Revision 4 (April 2014)
	Case ID No.			F	CW Revision March 26, 2014
Reg. Ent. R	eference No.				
		Public Water Supply			
		Samantha Salas			
Vic	olation Number	2			
	Rule Cite(s)	30 Tex. Admin.	Code §§ 290.271(b) a	nd 290.274(a) and (c)	
		Failed to mail or directly	deliver one conv of the	e Consumer Confidence Report	
				each year, and failed to submi	
Violat	ion Description	the TCEQ by July 1 for each	n year a copy of the an	nual CCR and certification that	<mark>the</mark>
Violat	ion Description			Facility and that the informatio	
		the CCR is correct and co	•	ce monitoring data for the 201	3
			calendar year.		
				Base Pena	\$1,000
>> Environm	ental, Prope	ty and Human Health	n Matrix		
	_	Harm			
OR	Release	Major Moderate	Minor		
UK	Actual Potential			Percent 0.0%	
	Poteritiai			7 Percent 0.0%	
>>Programm	atic Matrix				
J. C. C. G. C.	Falsification	Major Moderate	Minor		
		Х		Percent 5.0%	
Matrix					
Notes		100% of the ru	le requirements were n	ot met.	
				Adjustment \$	950
				, , , , , , , , , , , , , , , , , , ,	
					\$50
Violation Eve	nte				
Violation Lve	iits				
	Number of '	/iolation Events 1	409	Number of violation days	
		daily			
		weekly			
		monthly	4	Violation Base Bone	alty \$50
		quarterlysemiannual	-	Violation Base Pena	\$50 \$50
		annual	-		
		single event x	=		
			<u> </u>		
		0			
		One single	e event is recommende	a.	
Good Faith Ef	torts to Com			Reduct	ion \$0
		Before NOE/NOV	/ NOE/NOV to EDPRP/Settle	ement Offer	
		Ordinary			
		N/A x			
		Notes The Respon		e good faith criteria for	
			this violation		
				Violation Subto	otal \$50
	au. (== \ c				
Economic Ber	nefit (EB) for	this violation		Statutory Limit Test	
	Estimat	ed EB Amount	\$158	Violation Final Penalty To	stal \$169
		Thie vi	olation Final Assesse	ed Penalty (adjusted for lim	its) \$169
		i iii 3 Vi	J.3.1011 1 11101 A336336	charry (aujusteu for IIIII	φ105

	E	conomic	Benefit	Wo	rksheet		
Respondent	ABRAXAS COR	PORATION (PCW	No. 2)				
Case ID No.		•	,				
Reg. Ent. Reference No.							
	Public Water S						Years of
Violation No.		ирріу				Percent Interest	Depreciation
Violation ito:	_					5.0	15
	Itom Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<u> </u>	Item Cost	Date Required	rillai Date	115	Interest Saveu	Costs Saveu	EB Allioulit
Item Description							
Delayed Costs				1			
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 \$0	n/a n/a	<u>\$0</u> \$0
Training/Sampling Remediation/Disposal				0.00	\$0 \$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	CCR to the calcul	customers of the ated from the du	Facility and to t e date of the mo	he TCEO ost rece	Q [((\$0.50 x 186 c int CCR to the esti	r directly deliver the connections) + \$50) mated date of comp	x one year], liance.
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d 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		s of the Facility a	nd to the TCEQ	[((\$0.5		r directly deliver thens) + \$50) x one yening date.	
Approx. Cost of Compliance		\$286			TOTAL		\$158

		ening Date			0. 2019-1778-PWS-E	PCW
	R	Respondent	ABRAXAS CORPORATION (PC)	W No. 2)		Policy Revision 4 (April 2014)
		Case ID No.				PCW Revision March 26, 2014
Reg.	Ent. Ref	ference No.	RN102678885			
			Public Water Supply			
			Samantha Salas			
	Viola	ation Number				
		Rule Cite(s)	30 Tex. Admin.	Code § 290.117(c)(2)(A), (h), and (i)(1)	
		_	Failed to collect lead and cop			
	Violatio	n Description		report the results to through June 30, 201	the Executive Director for	tne
			January 1, 2019	unough June 30, 201	.9 monitoring period.	
					Page D	#1 000
					Base Po	enalty \$1,000
>> En	vironme	ntal, Proper	ty and Human Health I	Matrix		
		-	Harm			
OB		Release	Major Moderate	Minor		
OR		Actual			Percent 15.0%	
		Potential	Х		Percent 15.0%	
>>Pro	gramma	tic Matrix				
,,,,	g. a	Falsification	Major Moderate	Minor		
					Percent 0.0%	
	Motrix	Failure to d	collect lead and copper tap sam	plac could avance no	reans carvad by the Easility	to
	Matrix Notes		tected contaminants which wo		•	10
	110103	445		ara exceed revelo p. e.	totti o i naman neatti	
						+050
				ı	Adjustment	\$850
						\$150
						1-53
Violati	on Event	ts				
						
		Number of \	/iolation Events 1	180	Number of violation day	S
			daily			
			weekly			
			monthly			
			quarterly		Violation Base Po	enalty \$150
			semiannual			•
			annual			
			single event x			
			One single o	vant is recommended	1	
			Offe sirigle e	vent is recommended	lı	
Good I	Faith Effo	orts to Com	ply 0.0%		Red	uction \$0
			Before NOE/NOV	NOE/NOV to EDPRP/Settle	ment Offer	
			Extraordinary			
			Ordinary			
			N/A x			
			The Responde	nt does not meet the	good faith criteria for	
			Notes	this violation.		
					Violation Su	btotal \$150
Econo	mic Bene	efit (EB) for	this violation		Statutory Limit Te	est
		Fetimate	ed EB Amount	\$638	Violation Final Penalty	Total \$507
		Latiniati	Ja ED Allivalit	Ψ000	i mai r enaity	φ307
			This viola	ation Final Assesse	d Penalty (adjusted for l	imits) \$507

Economic Benefit Worksheet									
		RPORATION (PCW	No. 2)						
Case ID No.									
Reg. Ent. Reference No.	RN102678885								
Media Violation No.	Public Water S	Supply				Percent Interest	Years of Depreciation		
						5.0	15		
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount		
Item Description									
2002									
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	procedures,	guidance, trainin by the Facility's p	g, and/or overs personnel, analy	ight to e zed, an	ensure that future d the results repo	vements to the Facil lead and copper tap ted to the Executive date of compliance.	samples are		
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoide	d 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	+600	20.1. 2010	12.4 2020	0.00	\$0	\$0	\$0		
ONE-TIME avoided costs	\$600	30-Jun-2019	13-Aug-2020	0.00	\$34 \$0	\$600 \$0	\$634 \$0		
Other (as needed)				0.00	\$0	\$0	\$0		
Notes for AVOIDED costs		30 per sample x	20 missed samp	oles x o		lyzed the required lood), calculated from ate.			
Approx. Cost of Compliance		\$700			TOTAL		\$638		



Policy Revision 4 (April 2014) PCW Revision September 1, 2019

 DATES
 Assigned
 3-Aug-2020

 PCW
 17-Aug-2020
 Screening
 13-Aug-2020
 EPA Due
 30-Jun-2020

RESPONDENT/FACILITY INFORMATION
Respondent ABRAXAS CORPORATION (PCW No. 3)
Reg. Ent. Ref. No. Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 59421
Docket No. 2019-1778-PWS-E
Media Program(s)
Multi-Media

Multi-Media

Admin. Penalty \$ Limit Minimum \$50 Maximum

Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,250 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage **Compliance History** 81.0% Adjustment Subtotals 2, 3, & 7 \$1,822 Enhancement for six NOVs with the same/similar violations, three NOVs Notes with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability. Culpability No Subtotal 4 **\$0** 0.0% Enhancement Notes The Respondent does not meet the culpability criteria. **Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$0 **Economic Benefit** Subtotal 6 **\$0** 0.0% Enhancement* Total EB Amounts *Capped at the Total EB \$ Amount \$674 Estimated Cost of Compliance **SUM OF SUBTOTALS 1-7** Final Subtotal \$4,072 OTHER FACTORS AS JUSTICE MAY REQUIRE \$618 15.2% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Enhancement to capture the avoided cost of compliance for Violation No. Notes Final Penalty Amount \$4,690 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$4,690 **DEFERRAL** \$0 0.0% Adjustment Reduction Reduces the Final Assessed Penalty by the indicated percentage. No deferral is recommended for Findings Orders. Notes **PAYABLE PENALTY** \$4,690

PCW

Policy Revision 4 (April 2014) PCW Revision September 1, 2019

Respondent ABRAXAS CORPORATION (PCW No. 3)

Case ID No. 59421

Reg. Ent. Reference No. RN102678885 **Media** Public Water Supply

Enf. Coordinator Samantha Salas

	Compliance History Worksheet		
ompliance Hist Component	tory Site Enhancement (Subtotal 2) Number of	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	6	30%
	Other written NOVs	3	6%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
Decrees	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	For the control of th		00/
	Environmental management systems in place for one year or more	No	0%
Other	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 Per	centage (Sub	ototal 2)
epeat Violator			
N/A		centage (Sub	itotai 3)
	tory Person Classification (Subtotal 7)		
Satisfactory	Performer Adjustment Per	centage (Sub	itotal 7)
ompliance Hist	cory Summary		
Compliance History Notes	Enhancement for six NOVs with the same/similar violations, three NOVs with dissi one agreed order containing a denial of liability, and one agreed order without a d	,	
	Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7)
al Compliance	History Adjustment		
	Final Adjustment Percent	age *capped	at 100%

		ening Date	13 Aug 2020		DOCK	et No. 2019-1778-PWS-E		PCW
	R	espondent	ABRAXAS CORF	PORATION (PCV	V No. 3)		Policy	Revision 4 (April 2014)
	C	ase ID No.	59421				PCW Revis	sion September 1, 2019
Reg.	Ent. Ref	erence No.	RN102678885					
		Media	Public Water Su	ıpply				
	Enf. C	coordinator	Samantha Sala	S				
	Viola	ation Number	1					
		Rule Cite(s)						
				30 Te	x. Admin. Code	e § 290.108(e)		
	\# - 1 - 4! -		Failed to provid	de the results o	f radionuclides	sampling to the Executive Di	irector for	
	violatio	n Description	·	the thir	d and fourth q	uarters of 2019.		
						Rase	Penalty	\$5,000
						Dase	Penanty	\$3,000
>> Env	rironme	ntal, Propei	ty and Hum	an Health N	1atrix			
			_	Harm				
0 D		Release	Major	Moderate	Minor			
OR		Actual				Dawaant 0.000		
		Potential				Percent 0.0%		
>>Proc	iramma	tic Matrix						
//1109	gi aiiiiia	Falsification	Major	Moderate	Minor			
			X			Percent 5.0%		
	Market							
	Matrix Notes		100	% of the rule re	equirements w	ere not met.		
	Notes							
						Adjustment	\$4,750	
								\$250
								1-51
Violatio	on Event							
		ts						
			/iolation Events	2		308 Number of violation	days	
				2		308 Number of violation	days	
			daily	2		308 Number of violation	days	
			daily weekly	2		308 Number of violation	days	
			daily	2		308 Number of violation Violation Base		\$500
			daily weekly monthly	2				\$500
			daily weekly monthly quarterly semiannual annual	2				\$500
			daily weekly monthly quarterly semiannual	2				\$500
			daily weekly monthly quarterly semiannual annual					\$500
			daily weekly monthly quarterly semiannual annual single event	X	nts are recomi	Violation Base		\$500
			daily weekly monthly quarterly semiannual annual single event		nts are recomi	Violation Base		\$500
		Number of \	daily weekly monthly quarterly semiannual annual single event	X	nts are recomi	Violation Base		
Good F	aith Effo		daily weekly monthly quarterly semiannual annual single event	Two single eve		Violation Base nended.		\$500 \$500
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	Two single eve		Violation Base	e Penalty	
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	Two single eve		Violation Base nended.	e Penalty	
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	Two single eve		Violation Base nended.	e Penalty	
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	Two single eve		Violation Base nended.	e Penalty	
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	Two single eve	NOE/NOV to EDPR	Violation Base nended.	e Penalty	
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	Two single eve	NOE/NOV to EDPR	violation Base mended. P/Settlement Offer meet the good faith criteria	e Penalty	
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	Two single eve	NOE/NOV to EDPR	violation Base mended. P/Settlement Offer meet the good faith criteria	e Penalty	
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	Two single eve	NOE/NOV to EDPR	violation Base mended. P/Settlement Offer meet the good faith criteria	e Penalty	
		Number of \	daily weekly monthly quarterly semiannual annual single event	X Two single eve 0.0% efore NOE/NOV X The Respond	NOE/NOV to EDPR	violation Base mended. P/Settlement Offer meet the good faith criteria olation. Violation	Reduction	\$0
		Number of \ Orts to Com	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes this violation	Two single eve	ent does not m	Violation Base mended. P/Settlement Offer meet the good faith criteria olation. Violation Statutory Limit	Reduction Subtotal	\$500
		Number of \ Orts to Com	daily weekly monthly quarterly semiannual annual single event	Two single eve	NOE/NOV to EDPR	violation Base mended. P/Settlement Offer meet the good faith criteria olation. Violation	Reduction Subtotal	\$0

	E	conomic	Benefit	Wo	rksheet				
		PORATION (PCW	No. 3)						
Case ID No. Reg. Ent. Reference No.									
	Public Water S					Percent Interest	Years of Depreciation		
						5.0	15		
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount		
Item Description									
Delayed Costs Equipment	<u> </u>	1		0.00	\$0	\$0	\$0		
Equipment Buildings				0.00	\$0	\$0 \$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		40.0.40.40		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								
					of compliance.				
Avoided Costs	ANNUA	ALIZE avoided co	osts before er		<u> </u>	one-time avoide			
Disposal				0.00	\$0	\$0	\$0		
Personnel				0.00	\$0	\$0	\$0 #0		
Inspection/Reporting/Sampling Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0		
Financial Assurance				0.00	\$0	\$0 \$0	\$0		
ONE-TIME avoided costs				0.00	\$0	\$0	\$0		
Other (as needed)				0.00	\$0	\$0	\$0		
Notes for AVOIDED costs					7.7	7			
Approx. Cost of Compliance		\$559			TOTAL		\$46		

			13-Aug-2020			2019-1778-	PWS-E	PCW
		•		PRATION (PCW No.	3)		Policy	Revision 4 (April 2014)
		Case ID No.					PCW Revis	sion September 1, 2019
Reg.	Ent. Ref	erence No.						
			Public Water Sup	ply				
			Samantha Salas					
	Viola	ation Number	2					1
		Rule Cite(s)		30 Tex. Admin. C	ode § 290.122(b)(3)(A) and (f)		
			Failed to provi	de public notification	n and submit a	copy of the pul	blic notification,	
			accompanie	d with a signed Cer	tificate of Delive	ry, to the Exec	utive Director	
	Violatio	n Description		ailure to comply wi				
		•		um during the first of 2019. Specificall	•		·	
			Tourtif quarter		ut were not prov		uned by May 19,	
								4
							Base Penalty	\$5,000
>> En:	vironma	ntal Proper	ty and Huma	n Health Matr	iv			
LII	VIIOIIIIE	iitai, Fiopei	ty and maina	Harm	· A			
		Release	Major	Moderate Mir	or			
OR		Actual					2.00/	
		Potential				Percent	0.0%	
>>Pro	gramma	tic Matrix						
,,,,,	g. a	Falsification	Major	Moderate Min	or			
			Х			Percent	5.0%	
								1
	Matrix		1000	, ,,,				
	Notes		100%	% of the rule requir	ements were not	t met.		
					A	djustment	\$4,750]
								+250
								\$250
Violati	ion Even	ts						
Violati	ion Even					=		
Violati	ion Even		iolation Events	3	86	Number of v	riolation days	
Violati	ion Even			3	86	Number of v	iolation days	
Violati	ion Even		fiolation Events daily weekly	3	86	Number of v	riolation days	
Violati	on Even		daily	3	86	Number of v	riolation days	
Violati	ion Even		daily weekly monthly quarterly	3	86		iolation days on Base Penalty	\$750
Violati	on Even		daily weekly monthly quarterly semiannual	3	86		,	\$750
Violati	ion Even		daily weekly monthly quarterly semiannual annual		86		,	\$750
Violati	ion Even		daily weekly monthly quarterly semiannual	3 	86		,	\$750
Violati	ion Even		daily weekly monthly quarterly semiannual annual single event	X		Violati	on Base Penalty	\$750
Violati	ion Even		daily weekly monthly quarterly semiannual annual single event			Violati	on Base Penalty	\$750
Violati	ion Even		daily weekly monthly quarterly semiannual annual single event	X		Violati	on Base Penalty	\$750
			daily weekly monthly quarterly semiannual annual single event Three single e	X		Violati	on Base Penalty	\$750
		Number of \	daily weekly monthly quarterly semiannual annual single event Three single e	x vents are recomme		Violati ach notification	on Base Penalty	
		Number of \	daily weekly monthly quarterly semiannual annual single event Three single e	x vents are recomme	nded, one for ea	Violati ach notification	on Base Penalty	
		Number of \	daily weekly monthly quarterly semiannual annual single event Three single e ply Extraordinary Ordinary	x vents are recomme	nded, one for ea	Violati ach notification	on Base Penalty	
		Number of \	daily weekly monthly quarterly semiannual annual single event Three single e	x vents are recomme	nded, one for ea	Violati ach notification	on Base Penalty	
		Number of \	daily weekly monthly quarterly semiannual annual single event Three single e ply Extraordinary Ordinary N/A	x vents are recomme 0.0% ore NOE/NOV NOE/NO	nded, one for ea	Violati ach notification	Reduction	
		Number of \	daily weekly monthly quarterly semiannual annual single event Three single e Extraordinary Ordinary N/A	vents are recomme 0.0% ore NOE/NOV NOE/NO X	nded, one for ea	Violati ach notification	Reduction	
		Number of \	daily weekly monthly quarterly semiannual annual single event Three single e ply Extraordinary Ordinary N/A	vents are recomme 0.0% ore NOE/NOV NOE/NO X	nded, one for ea	Violati ach notification ment Offer good faith crite	Reduction	
		Number of \	daily weekly monthly quarterly semiannual annual single event Three single e ply Extraordinary Ordinary N/A	vents are recomme 0.0% ore NOE/NOV NOE/NO X	nded, one for ea	Violati ach notification ment Offer good faith crite	Reduction	
Good F	Faith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event Three single e ply Extraordinary Ordinary N/A Notes	x vents are recomme 0.0% ore NOE/NOV NOE/NO x The Respondent do	nded, one for ea	violati ach notification ment Offer good faith crite Vi	Reduction	\$0
Good F	Faith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event Three single e ply Extraordinary Ordinary N/A Notes this violation	x vents are recomme 0.0% ore NOE/NOV NOE/NO x The Respondent do	nded, one for ea	violati ach notification ment Offer good faith crite Vi Statutory	Reduction Colation Subtotal Colation Test	\$0
Good F	Faith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event Three single e ply Extraordinary Ordinary N/A Notes	x vents are recomme 0.0% ore NOE/NOV NOE/NO x The Respondent do	nded, one for ea	violati ach notification ment Offer good faith crite Vi Statutory	Reduction	\$0
Good F	Faith Effo	Number of \ orts to Com	daily weekly monthly quarterly semiannual annual single event Three single e ply Extraordinary Ordinary N/A Notes this violation	x vents are recomme 0.0% ore NOE/NOV NOE/NO X The Respondent door	nded, one for each of the second of the seco	violation ment Offer good faith crite Vi Statutory Violation Fir	Reduction Colation Subtotal Colation Test	\$750 \$1,564

	E	conomic	Benefit	Wo	rksheet					
		PORATION (PCW	No. 3)							
Case ID No.										
Reg. Ent. Reference No. Media Violation No.	Public Water S					Percent Interest	Years of Depreciation			
						5.0	15			
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount			
Item Description										
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	20-Jul-2020	8-Jun-2021	0.00	\$0 \$4	n/a	<u>\$0</u> \$4			
Training/Sampling Remediation/Disposal	\$100	20-Jui-2020	8-Jun-2021	0.88	\$4	n/a n/a	\$4 \$0			
Permit Costs				0.00	\$0	n/a	\$0			
Other (as needed)	\$75	19-May-2020	8-1un-2021	1.05	\$4	n/a	\$4			
Notes for DELAYED costs	The Other (a notification Facility and a to the Execut	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	ANNUA	ALIZE avoided co	osts before er			one-time avoide				
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 \$0	\$0 \$0			
Other (as needed) Notes for AVOIDED costs		1		0.00	1 \$0	\$0	30			
Approx. Cost of Compliance		\$175			TOTAL		\$8			

	Screening Date	13-Aug-2020		Docket No. 2019-17	78-PWS-E	PCW
	Respondent	ABRAXAS CORP	ORATION (PCW No. 3)	Policy	Revision 4 (April 2014)
	Case ID No.	59421			PCW Revi	sion September 1, 2019
Reg.	Ent. Reference No.	RN102678885				
_		Public Water Su	pply			
	Enf. Coordinator	Samantha Salas	5			
	Violation Number	3				
	Rule Cite(s)		20 Toy Admin Cod	le § 290.122(b)(2)(A) an	d (f)	
			Jo Tex. Admin. Coc	ie g 290.122(b)(2)(A) dir	J (1)	
		Failed to prov	vide public notification	and submit a copy of the	public notification,	
				ficate of Delivery, to the E		
	Violation Description			the MCL for combined ra		
		quarter of 2019		notification was required bas not provided.	y rebruary 27, 2020,	
			Dut We	as not provided.		
					Base Penalty	\$5,000
					base reliaity	\$3,000
>> En	vironmental, Proper	ty and Huma	an Health Matrix	(
			Harm			
OR	Release	Major	Moderate Mino	r		
UK	Actual Potential			Percent	0.00/	
	Potential			Percent	0.0%	
>>Pro	grammatic Matrix					
	Falsification	Major	Moderate Mino	r		
		Х		Percent	t 5.0%	
				·		T
	Matrix					
	Notes	100	% of the rule requirer	ments were not met.		
				Adjustmen	t \$4,750	1
				Aujustinen	ψ 1/130	
						\$250
Violati	on Events					
Violati	on Events					
	Number of \	iolation Events	1	168 Number	of violation days	
		<u></u>			,	
		daily				
		weekly				
		monthly				+250
		quarterly semiannual		Vic	olation Base Penalty	\$250
		annual				
		single event	X			
						T
			One single event is	recommended.		
Good F	aith Efforts to Com	ply	0.0%		Reduction	\$0
			efore NOE/NOV NOE/NOV	to EDPRP/Settlement Offer		
		Extraordinary				
		Ordinary				
		N/A	Х			
			The Respondent does	not meet the good faith	criteria for	
		Notes	Respondent does	this violation.	S. CONG. TOT	
		L				
					Violation Subtotal	\$250
					'	4230
Econor	mic Benefit (EB) for	this violatio	n	Statut	ory Limit Test	
	Fetimate	ed EB Amount		\$2 Violation	r Final Penalty Total	\$521
	Latillati	ED AMOUNT			-	
			This violation Fi	inal Assessed Penalty (adjusted for limits)	\$521

	E	conomic	Benefit	Wo	rksheet					
Case ID No.	Respondent ABRAXAS CORPORATION (PCW No. 3) Case ID No. 59421 Reg. Ent. Reference No. RN102678885									
Media Violation No.	Public Water S 3	upply				Percent Interest	Years of Depreciation			
						5.0	15			
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount			
Item Description										
Delayed Costs	-	u		1						
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 \$0	n/a	\$0 \$0			
Record Keeping System				0.00	\$0	n/a n/a	\$0			
Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0			
Permit Costs				0.00	\$0	n/a	\$0			
Other (as needed)	\$25	27-Feb-2020	8-1un-2021	1.28	\$2	n/a	\$2			
Notes for DELAYED costs	necessary The Other (a notification (\$ a copy of th Executive	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	ANNUA	ALIZE avoided c	osts before er			one-time avoide	d 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) Notes for AVOIDED costs				0.00	\$0	<u> \$0</u>	\$0			
Approx. Cost of Compliance		\$25			TOTAL		\$2			

		ening Date			0. 2019-1778-PWS-E	PCW
			ABRAXAS CORPORATION (PO	CW No. 3)		Policy Revision 4 (April 2014)
		Case ID No.				PCW Revision September 1, 2019
Reg.	Ent. Ref	ference No.	RN102678885			
			Public Water Supply			
			Samantha Salas			
	Viol	ation Number	4			
		Rule Cite(s)	30 Tex. Admin	. Code § 290.117(c)(2	2)(A), (h), and (i)(1)	
	Violatio	n Description			he Executive Director for	
					Base	Penalty \$5,000
>> En	vironme	ntal. Proper	ty and Human Health	Matrix		
·		, торо	Harm	TIGGIA		
0.0		Release	Major Moderate	Minor		
OR		Actual			D 1 F 0 0 0	
		Potential	Х		Percent 15.0%	
>>Pro	gramma	tic Matrix				
		Falsification	Major Moderate	Minor		
					Percent 0.0%	
	Matrix	Failure to o	collect lead and copper tap sa	mples could expose pe	ersons served by the Faci	lity to
	Notes	unde	tected contaminants which w	ould exceed levels pro	tective of human health.	
					Adjustment	\$4,250
						+750
						\$750
Violati	ion Even	ts				
		Number of \	/iolation Events 1	183	Number of violation of	lays
			daily weekly monthly quarterly semiannual annual single event		Violation Base	Penalty \$750
			0			
			One single	event is recommended	a.	
Good F	Faith Eff	orts to Com				leduction \$0
			Before NOE/NOV	NOE/NOV to EDPRP/Settle	ement Offer	
			Extraordinary			
			Ordinary			
			N/A x	<u> </u>		
			Notes The Respond	dent does not meet the this violation	e good faith criteria for .	
					Violation	Subtotal \$750
Econoi	mic Bene	efit (EB) for	this violation		Statutory Limit	Test
			ed EB Amount	\$618	Violation Final Pena	
		escimato	EU ED AIIIUUIIL	POTO		
				1	Violation i mai rena	+ 1750 ·
		250000		· · · · · ·	d Penalty (adjusted fo	-

	E	conomic	Benefit	Wo	rksheet		
Respondent	ABRAXAS COF	RPORATION (PCW	No. 3)				
Case ID No.	59421						
Reg. Ent. Reference No.	RN102678885						
	Public Water S					D	Years of
Violation No.		,				Percent Interest	Depreciation
1101001111111						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Thom December		Date Required	Tillal Date	113	Interest Saveu	Costs Saveu	LD Alliount
Item Description							
Delayed Costs	l———	11		0.00	+0	+0	+0
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 ¢0
Engineering/Construction Land				0.00	\$0	n/a	\$0 \$0
				0.00	\$0	1.	\$0
Record Keeping System Training/Sampling				0.00	\$0	n/a 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	guidance, trai	ning, and/or oversonnel, analyzed,	sight to ensure and the results	that fut reporte	ture lead and coppe ed to the Executive	ne Facility's process er tap samples are o e Director is capture on Worksheet No. 1	collected by the d in Economic
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d 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		\$30 per sample x	20 missed samı	oles x o		lyzed the required lood), calculated from ate.	
Approx. Cost of Compliance		\$600			TOTAL		\$618

	Screening Date	13-Aug-2020	Docket No. 2019-1778-PWS-E	PCW
			PORATION (PCW No. 3)	Policy Revision 4 (April 2014)
	Case ID No.			PCW Revision September 1, 2019
Reg.	Ent. Reference No.	RN102678885		
	Media	Public Water Si	upply	
	Enf. Coordinator	Samantha Sala	S	
	Violation Number			
	Rule Cite(s)	30	Tex. Admin. Code § 291.76 and Tex. Water Code § 5.702	
			Town running code 3 25217 c and rext traces code 3 277 c	
		Failed to p	ay regulatory assessment fees for the TCEQ Public Utility Acc	count
	Violation Description	regarding Ce	ertificate of Convenience and Necessity No. 15596 for calend	<mark>ar year </mark>
			2019.	
			_	-
			Base	Penalty \$5,000
>> Env	vironmental, Prope	rtv and Hum	nan Health Matrix	
		,	Harm	
	Release		Moderate Minor	
OR	Actual			
	Potential		Percent 0.0%	
>> Dro	grammatic Matrix			
	Falsification	Major	Moderate Minor	
	T disinication	rajor	Percent 0.0%	
	Mahaira			
	Matrix Notes			
	Notes			
				+5 000
			Adjustment	\$5,000
				\$0
				·
Violati	on Events			
	N	(islation Frants	Number of violation	J
	Number of v	/iolation Events	Number of violation of	lays
		daily		
		weekly		
		monthly		
		quarterly	Violation Base	Penalty \$0
		semiannual		
		annual		
		single event	X	
	All penalties	and interest wi	Il be determined by the Financial Administration Division at t	he next
			billing cycle.	
Good F	aith Efforts to Com			Reduction \$0
		Extraordinary	efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
		-		
		Ordinary		
		N/A	X	
		Notes	The Respondent does not meet the good faith criteria for	
		110163	this violation.	
			Violation	Subtotal \$0
Fcono	mic Benefit (EB) for	thic violation	on Statutory Limit	Test
LCOHOL	inc benefit (EB) for	cilis violatio	Statutory Limit	1631
	Estimate	ed EB Amount	\$0 Violation Final Pena	Ity Total \$0
			This violation Final Assessed Penalty (adjusted fo	or limits) \$0
			in the state of th	Ψ0

	Е	conomic	Benefit	Wo	rksheet		
Respondent		RPORATION (PCW					
Case ID No.		W3 I) W011F010 II	110. 5)				
Reg. Ent. Reference No.	Public Water S						Years of
Violation No.		опрыя				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		-					
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/			
Avoided Costs	ANNU	ALIZE avoided co	osts before er			one-time avoide	
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



Policy Revision 4 (April 2014) PCW Revision September 1, 2019

PAYABLE PENALTY

DATES	Assigned	26-Oct-2020					_	
	PCW	13-Nov-2020	Screening	10-Nov-2020	EPA Due			
RESPO		TY INFORMATI						
Doc		ABRAXAS CORP	ORATION (PC	W No. 4)				
	g. Ent. Ref. No.	4-Dallas/Fort W	o wth		Maiox/M	inau Cauraa	Minor	
raciiii	ty/Site Region	4-Dallas/Fort W	ortii		мајог/ м	inor Source	MILLOL	
CASE I	NFORMATION							
	f./Case ID No.	59421			No. o	f Violations	1	
		2019-1778-PWS	6-E			Order Type		
Med		Public Water Su			Government			
	Multi-Media		,				Samantha Sal	as
	'					EC's Team	Enforcement 7	Гeam 8
Adn	nin. Penalty \$ I	Limit Minimum	\$50	Maximum	\$5,000			
				•	•			
				•	tion Section	n		
TOTAL	L BASE PENA	LTY (Sum of	violation	base penalt	ties)		Subtotal 1	\$75
4 5 7114	OTMENITO (.	() TO CURT	0741.4					
ADJUS	SIMENIS (+	/-) TO SUBTended by multiplying	OTAL 1	Donalty (Cubtotal 1) by the indicated as	reentage		
	Compliance Hi		g the rotal base	81.0%			tals 2, 3, & 7	\$60
	Compliance in		or six NOVs w		milar violations,		lais 2, 3, & 7	\$00
	Notes				der containing a			
	Notes				ut a denial of liab			
		nability,	and one agre	ed order withou	at a demai or nat	Jilicy.	_	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$
	Notes	The Re	espondent doe	es not meet the	culpability crite	ria.		
	Good Enith Eff	ort to Comply 1	otal Adiustn	nonto			Subtotal 5	\$
	GOOG FAILII EII	ort to comply i	otal Aujustii	ilelits			Subtotal S	-
	Economic Bend	efit		0.0%	Enhancement*		Subtotal 6	\$
		Total EB Amounts	\$4	*Сарре	d at the Total EB \$ A	mount		
	Estimated	Cost of Compliance	\$200					
CIIM (OF SUBTOTAL	1617				_	" Cubbatal	¢1 2E
SUM C	JE SUBIUTA	L3 1-7				-	inal Subtotal	\$1,35
OTHE	D EACTORS /	AS JUSTICE N	AAV DEOIII	IDE	0.0%		A di	\$
		Subtotal by the indi			0.0%		Adjustment	4
				-				
	Notes							
	ļ					Final Per	nalty Amount	\$1,35
							,	1 7
STATU	JTORY LIMIT	T ADJUSTMEI	NT			Final Asse	ssed Penalty	\$1,35
								· · · · · · · · · · · · · · · · · · ·
DEFER	RRAL				0.0%	Reduction	Adjustment	\$
		nalty by the indicate	d percentage.					
	Notes	No	deferral is rec	ommended for	Findings Orders			

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

Screening Date 10-Nov-2020

Docket No. 2019-1778-PWS-E

Respondent ABRAXAS CORPORATION (PCW No. 4)

Case ID No. 59421

Reg. Ent. Reference No. RN102678885

Media Public Water Supply

Enf. Coordinator Samantha Salas

	amalian sa Uist	Compliance History Worksheet							
>> C	Component	ory Site Enhancement (Subtotal 2) Number of	Number	Adjust.					
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	6	30%					
		Other written NOVs	3	6%					
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%					
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%					
	and Consent Decrees	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 (number of counts)	0	0%					
	Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%					
	Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%					
		T							
		Environmental management systems in place for one year or more	No	0%					
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%					
	20.12.	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 Per	centage (Sub	total 2) 81%					
>> R	epeat Violator	(Subtotal 3)							
	N/A	Adjustment Per	centage (Sub	total 3) 0%					
>> C	ompliance Hist	ory 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 dissir one agreed order containing a denial of liability, and one agreed order without a de	•						
~ ~ F!	al Compliance	Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) 81%					
>> Fin	ai Compliance	History Adjustment Final Adjustment Percenta	age *canned	at 100% 81%					
		rınaı Aujustinent Percenta	age capped	01%					

		ening Date				ket No. 2019-1778-PV	/S-E	PCW
		•	ABRAXAS CORP	PORATION (PC	W No. 4)		Policy	Revision 4 (April 2014)
		Case ID No.					PCW Revis	ion September 1, 2019
Reg.	Ent. Ref	ference No.						
			Public Water Su					
		coordinator	Samantha Salas	S				
	VIOI		1					
		Rule Cite(s)		30 Tex. A	dmin. Code §	290.46(q)(1) and (2)		
	Violatio	n Description	water outage Specifically, a li	using the pre ine break repa	scribed forma	mers of the Facility within it in 30 Tex. Admin. Code conducted on August 29, not issued within 24 houne Facility.	e § 290.47(c). 2020 causing a	
							Base Penalty	\$5,000
>> En	vironme	ntal, Propei	ty and Hum	an Health	Matrix			
		· ·	c, and man	Harm				
0.0		Release	Major	Moderate	Minor			
OR		Actual Potential				Percent 1	5.0%	
		Potential	Х			Percent 1	5.0%	
>>Pro	aramma	tic Matrix						
, ,	9	Falsification	Major	Moderate	Minor		<u></u>	
						Percent	0.0%	
	Matrix Notes		the water outag	e and could ex	cpose persons	persons to take approprises served by the Facility to e of human health.		
						Adjustment	\$4,250	
								\$750
	_						_	
Violati	on Even	ts						
		Number of \	/iolation Events	1	F	2 Number of vio	lation days	
		Number of v	noiation Events	1	L	Number of vio	acion days	
			daily					
			weekly					
			monthly				-	
			quarterly 			Violatio	n Base Penalty	\$750
			semiannual annual					
			single event	Х				
			Single event	^				
				One single e	vent is recom	mended.		
Good F	Faith Fff	orts to Com	nlv	0.0%			Reduction	\$0
Good I	aith Lin	ores to com			NOE/NOV to ED	PRP/Settlement Offer	Reduction	40
			Extraordinary					
			Ordinary					
			N/A	х				
			Notes	The Responde		neet the good faith criter iolation.	ia for	
			Ц			Vio	ation Subtotal	\$750
Econor	mic Bene	efit (EB) for	this violation	on		Statutory I	Limit Test	
			_		1.21	_	_	
		Estimate	ed EB Amount		\$4	Violation Fina	l Penalty Total	\$1,358
				This viola	tion Final A	ssessed Penalty (adjus	sted for limits)	\$1,358
					7 %	, (,		1 7-30

	E	conomic	Benefit	Wo	rksheet		
Respondent	Respondent ABRAXAS CORPORATION (PCW No. 4)						
Case ID No.	59421						
Reg. Ent. Reference No.	RN102678885						
	Public Water S	upply				Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Record Keeping System	\$100	31-Aug-2020	8-Jun-2021	0.00	\$0 \$4	n/a n/a	<u>\$0</u> \$4
Training/Sampling	\$100	31-Aug-2020	8-Juli-2021	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	ANNUA	ALIZE avoided c	osts before er		· · · · · · · · · · · · · · · · · · ·	one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 #0	\$0 #0
Inspection/Reporting/Sampling Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance				0.00	\$0	\$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

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



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.

Customer, Respondent, or CN600702567, ABRAXAS CORPORATION Classification: SATISFACTORY Rating: 28.63

Owner/Operator:

ID Number(s):

Regulated Entity: RN102678885, ABRAXAS UTILITIES Classification: NOT APPLICABLE Rating: N/A

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

CH Group: 14 - Other

Location: CORNER OF LUNA VISTA DRIVE AND HILLCROFT ROAD, APPROXIMATELY 5 MILES WEST OF INTERSTATE 820 LOOP

TCEQ Region:

NEAR FORT WORTH, PARKER COUNTY, TEXAS

REGION 04 - DFW METROPLEX

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1840034

Compliance History Period: September 01, 2015 to August 31, 2020 Rating Year: 2020 Rating Date: 09/01/2020

Date Compliance History Report Prepared: January 27, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 27, 2016 to January 27, 2021

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

Name: Samantha Salas Phone: (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:

1 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

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.

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

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

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

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

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

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

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

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

2A TWC Chapter 5, SubChapter A 5.702 Citation:

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.

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)

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.

4 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.

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)

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)

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)

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/

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

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

1 11/10/2014 (1324699)Date:

Informational PClassification Self Report? Moderate

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

30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(1)

LCR RD MR YR2014 - The Respondent failed to collect lead and copper tap samples at Description:

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? Informational pClassification: NO Moderate

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

LCR RD MR YR2015 - The Respondent failed to collect lead and copper tap samples at Description:

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)

> Classification: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B) Self Report? NO Moderate

Citation:

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.

O For Informational pClassification: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B) Self Report? NO Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(1)

LCR RD MR YR2011 - The Respondent failed to collect lead and copper tap samples at Description:

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.

Date: 01/20/2016 (1324699)

> O For Informational Classification: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) Self Report? NO Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

DLQOR MR 3Q2015 - The Respondent failed to submit a Disinfectant Level Quarterly Description: 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? Moderate

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

RAD MR 4Q2014 - The Respondent failed to provide the results of quarterly radionuclide Description:

sampling for the second guarter of 2013 through the third guarter of 2015.

6 Date: 03/24/2016 (1324699)

> For Informational PClassification: Self Report? NO Moderate

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

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? Classification: Moderate Informational

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

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

DLQOR MR 4Q2015 - The Respondent failed to submit a Disinfectant Level Quarterly Description: 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 Moderate

Classification:
30 TAC Chapter 290, SubChapter D 290.46(f)(4) Citation: 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)

RAD MR 3Q2015 - The system failed to monitor and/or report radionuclide levels to the Description:

TCEQ for the quarterly monitoring period from 07/01/2015 to 09/30/2015 within the

required timeline at EP001 and EP002.

Self Report? Classification:

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

30 TAC Chapter 290, SubChapter F 290.108(e)

RAD MR 2Q2015 - The Respondent failed to provide the results of quarterly radionuclide Description:

sampling for the second quarter of 2013 through the third quarter of 2015.

30 TAC Chapter 290, SubChapter D 290.46(f)(4) Self Report? NO

Citation:

30 TAC Chapter 290, SubChapter F 290.108(e)

RAD MR 1Q2015 - The Respondent failed to provide the results of quarterly radionuclide Description:

sampling for the second quarter of 2013 through the third quarter of 2015.

Informational PClassification: Self Report?

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

30 TAC Chapter 290, SubChapter F 290.108(e)

RAD MR 3Q2014 - The Respondent failed to provide the results of quarterly radionuclide Description:

sampling for the second quarter of 2013 through the third quarter of 2015.

For Informational PClassification: Or Self Report? Moderate

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

30 TAC Chapter 290, SubChapter F 290.108(e)

RAD MR 2Q2014 - The Respondent failed to provide the results of quarterly radionuclide Description:

sampling for the second quarter of 2013 through the third quarter of 2015.

Self Report? Classification: Moderate

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

RAD MR 1Q2014 - The Respondent failed to provide the results of quarterly radionuclide Description:

sampling for the second quarter of 2013 through the third quarter of 2015..

Self Report? Classification:

30 TAC Chapter 290, SubChapter D 290.46(f)(4) Citation: 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 O For Informational pCl 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Citation: 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? Classification: NO Moderate O For Informational DCI 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)

RAD MR 2Q2013 - The Respondent failed to provide the results of quarterly Description:

Date: 05/17/2016 (1324699)Self Report? NO Classification: Moderate 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) Citation: 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 guarter of 2015. 10 Date: 07/11/2016 (1324699)Classification:
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) Self Report? Moderate Citation: 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. 07/14/2016 (1324699)11 Date: NO Classification: Self Report? Moderate 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(3) DLQOR MR 1Q2016 - The Respondent failed to submit a Disinfectant Level Quarterly Description: Operating Report ("DLOOR") 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. 08/09/2016 12 Date: (1324699)Informational PClassification: Self Report? NO Moderate 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A) Citation: 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(1) LCR RT MR 1st 6M2016 - d. The Respondent did not collect lead and copper tap Description: 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 13 07/20/2017 Date: (1414990)Self Report? Classification: Minor O Classifica 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i) Citation: Failure to provide a well production capacity of at least 0.6 gallons per minute per Description: connection. EIC C4 MIN(3)(D) Informational pClassification: Self Report? Minor 30 TAC Chapter 290, SubChapter D 290.46(m)(4) Citation: Description: Failure to maintain the elevated storage tank in a watertight condition. EIC14 C4 MIN(3)(D) Self Report? Classification: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N) Citation: Failure to provide a proper flow meter at Well #2. Description: EIC C4 MIN(3)(D)Informational PClassification: Self Report? 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III) Citation: Failure to monitor and record the volume of water treated and distributed on a weekly Description: hasis. EIC14 B3 MOD (2)(B) Self Report? Classification: Moderate 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K) Citation: Description: Failure to maintain the seal on wellhead at Well #1 and Well #2. EIC B18 MOD(2)(G) Self Report? Classification: Moderate

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

Failed to keep on file copies of well completion data

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Citation: Description:

Citation:

Self Report?

Compliance History Report for CN600702567, RN102678885, Rating Year 2020 which includes Compliance History (CH) components from January 27, 2016, through January 27, 2021.

Classification:

Description: Failure to provide a well casing vent on Well #2.

EIC C4 MIN(3)(D)

For Informational PClassification: Self Report?

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

Failed to initiate maintenance and housekeeping practices to ensure the good working Description:

condition and general appearance of the system's facilities and equipment

Moderate

Self Report? NO Classification: For Informational

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

Description: Failure to practice good maintenance and housekeeping around the fencing at both

water plants.

EIC C4 MIN(3)(D)

Self Report?

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

Failure to install 16-mesh of finer screening material on air release devices on Well #1 Description:

and Well #2. EIC C4 MIN(3)(D)

14 Date: 06/12/2018 (1483368)

> Classification: Self Report? NO Moderate

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

Description: Failure to maintain 0.2 mg/L free chlorine on May 1, 2018 on Arrowhead Street.

B12

10/23/2018 (1626219)15 Date:

> Classification: Self Report? NO Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)

RAD MR 1Q2018 - The system failed to monitor and/or report radionuclide levels to the Description:

TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018 within the

required timeline.

16 Date: 02/22/2019 (1626219)

> Classification: Self Report? NO Moderate Informationa

30 TAC Chapter 290, SubChapter F 290.108(e) Citation:

RAD MR 3Q2018 - The system failed to monitor and/or report radionuclide levels to the Description:

TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the

required timeline.

Self Report? Classification: NO Moderate

30 TAC Chapter 290, SubChapter F 290.108(e) Citation:

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

30 TAC Chapter 290, SubChapter F 290.108(e) Citation:

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* 09/18/2019 Date: (1665196)

> Self Report? NO Classification: Moderate

IO Classif 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A) Citation:

30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(1)

LCR RT MR 1st 6M2019 - The system failed to monitor and/or report distribution lead Description:

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* 10/11/2019 Date: (1626219)

> Classification: Self Report? Moderate

30 TAC Chapter 290, SubChapter F 290.108(e) Citation:

RAD MR 1Q2019 - The system failed to monitor and/or report radionuclide levels to the Description:

TCEQ for the quarterly monitoring period from 01/01/2019 to 03/31/2019 within the

required timeline.

Informational PClassification: Self Report? NO Moderate

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

30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)

Compliance History Report for CN600702567, RN102678885, Rating Year 2020 which includes Compliance History (CH) components from January 27, 2016, through January 27, 2021.

CCR 2018 - The system failed to provide the Consumer Confidence Report (CCR) for Description:

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

30 TAC Chapter 290, SubChapter F 290.108(e) Citation:

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* 01/27/2020 (1626219)Date:

> Self Report? NO Classification: Moderate

30 TAC Chapter 290, SubChapter F 290.108(e) Citation:

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

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

Description: Failure to conduct annual inspections of the elevated storage tank.

EIC B1 Mod(2)(E)

23* Date: 03/13/2020 (1665196)

> Self Report? Classification: Moderate

O FOR Informational Classif 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A) Citation: 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 TCEO 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? Informational pClassification: NO Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

COMB RAD MCL PN 3Q2019 Posting and Reporting Violation - Failure to submit a signed Description:

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)

> For Informational PClassification: Self Report? Moderate

30 TAC Chapter 290, SubChapter F 290.108(e) Citation:

RAD MR 4Q2019 - The system failed to monitor and/or report radionuclide levels to the Description:

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

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

30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain a disinfectant residual of at least 0.2 milligrams per liter (mg/L) free

chlorine throughout the distribution system.

B18c.(6), Moderate (2)(G)

ormational pClassification: Self Report? Moderate

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

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: Informational

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.

Informational PClassification: Self Report?

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

EIC C4, Min (3)(D) Description:

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

30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A) Citation:

30 TAC Chapter 290, SubChapter F 290.122(f)

COMB RAD MCL PN 4Q2019 Posting and Reporting Violation - Failure to submit a signed Description:

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? Classification: Moderate

O Classif 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A) Citation:

30 TAC Chapter 290, SubChapter F 290.122(f) COMB RAD MCL PN 2Q2018 Posting and Reporting Violation - Failure to submit a signed Description:

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.

Informational PClassification: Self Report? Moderate

30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A) Citation:

30 TAC Chapter 290, SubChapter F 290.122(f)

COMB RAD MCL PN 1Q2018 Posting and Reporting Violation - Failure to submit a signed Description:

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)

> Classification: Self Report? NO

30 TAC Chapter 290, SubChapter D 290.44(a)(4) Citation:

Failure to install the water distribution line no less than 24 inches below the ground Description:

surface.

EIC C4 MOD(2)(G)

DClassification: Self Report? Minor

O For Informational PCla 30 TAC Chapter 290, SubChapter D 290.44(a)(1) Citation:

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

^{*} 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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ABRAXAS CORPORATION	§	
RN102678885	§	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 ABRA	XAS 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 Enf	orcement 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).
- 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.
- 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.
- 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

ABRAXAS CORPORATION DOCKET NO. 2019-1778-PWS-E Page 9

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.

ABRAXAS CORPORATION DOCKET NO. 2019-1778-PWS-E Page 10

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Cunt	4/17/2025
For the Executive Director	Date
I, the undersigned, have read and understand the a the attached Order, and I do agree to the terms and acknowledge that the TCEQ, in accepting payment on such representation.	conditions specified therein. I further for the penalty amount, is materially relying
I also understand that failure to comply with the Or and/or failure to timely pay the penalty amount, m	rdering Provisions, if any, in this Order ay result in:
 A negative impact on compliance history; Greater scrutiny of any permit applications some Referral of this case to the Attorney General's additional penalties, and/or attorney fees, or Increased penalties in any future enforcement Automatic referral to the Attorney General's Compared to the Att	Office for contempt, injunctive relief, to a collection agency; t actions; Office of any future enforcement actions; and
In addition, any falsification of any compliance doc	numents may result in criminal prosecution.
Signature	2-16-25 Date
Name (Printed or typed) Authorized Representative of ABRAXAS CORPORATION	General Hanager Title
$\ \square$ If mailing address has changed, please check t	his box and provide the new address below: