

Executive Summary – Enforcement Matter – Case No. 57375
Frankston Rural Water Supply Corporation
RN101440857
Docket No. 2021-0716-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Frankston Rural WSC, located 0.25 miles west of County Road 318 and State Highway 155 near Frankston, Anderson County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 15, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,616

Total Paid to General Revenue: \$521

Total Due to General Revenue: \$18,095

Payment Plan: 35 payments of \$517 each

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$92

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 4, 2021 through April 9, 2021

Date(s) of NOE(s): May 28, 2021

Executive Summary – Enforcement Matter – Case No. 57375
Frankston Rural Water Supply Corporation
RN101440857
Docket No. 2021-0716-PWS-E

Violation Information

1. Failed to provide flow-measuring devices for each well to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].
2. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
3. Failed to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage [30 TEX. ADMIN. CODE § 290.43(c)(6) and TCEQ Agreed Order Docket No. 2019-0329-PWS-E, Ordering Provision No. 2.a].
4. Failed to ensure that the Facility's ground storage tanks ("GSTs") hatches remain locked except during inspections and maintenance [30 TEX. ADMIN. CODE § 290.43(c)(2)].
5. Failed to properly house the gas chlorine cylinders so that they are protected from adverse weather conditions and vandalism [30 TEX. ADMIN. CODE § 290.42(e)(4)(B)].
6. Failed to provide emergency power that will deliver water at a minimum rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
7. Failed to provide an overflow discharge opening on the GST with a gravity-hinged and weighted cover that closes automatically and fits tightly with no gap over 1/16 inch, an elastomeric duckbill valve, or other approved device to prevent the entrance of insects and other nuisances [30 TEX. ADMIN. CODE § 290.43(c)(3)].
8. Failed to ensure that livestock in pastures are not allowed within 50 feet of the Facility's Well No. 1 and Well No. 3 [30 TEX. ADMIN. CODE § 290.41(c)(1)(D)].
9. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(A)(vi), (f)(3)(B)(iii), (f)(3)(B)(v), (f)(3)(E)(iv), and (f)(3)(D)(ii)].
10. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Executive Summary – Enforcement Matter – Case No. 57375
Frankston Rural Water Supply Corporation
RN101440857
Docket No. 2021-0716-PWS-E

11. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
12. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
13. Failed to provide two or more wells having a total capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
14. Failed to complete a Customer Service Inspection (“CSI”) certificate prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities [30 TEX. ADMIN. CODE § 290.46(j)].
15. Failed to have all associated appurtenances including valves, pipes and fittings connected to pressure tanks thoroughly tight against leakage [30 TEX. ADMIN. CODE § 290.43(d)(7)].
16. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].
17. Failed to provide a well casing vent for the well that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated, and located so as to minimize the drawing of contaminants into the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].
18. Failed to calibrate the Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
19. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On April 9, 2021, the Respondent implemented the following corrective measures:

Executive Summary – Enforcement Matter – Case No. 57375
Frankston Rural Water Supply Corporation
RN101440857
Docket No. 2021-0716-PWS-E

- a. Repaired the leaking drain pipe on the pressure tank at Plant No. 1; and
- b. Repaired the leaking piping surrounding Well Nos. 6 and 8.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

- i. Calibrate the Facility's well meters for Well Nos. 7 and 8;
- ii. Provide a flow measuring device for the Facility's Well No. 6 to measure production yield and provide for the accumulation of water production data;
- iii. Install locks on the GST hatches at Plant Nos. 1 and 2;
- iv. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies;
- v. Conduct a CSI for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, including but not limited to the new connections for the Meadows Subdivision off of Lake Palestine; and
- vi. Compile and maintain properly completed water works operation and maintenance records, including but not limited to records for the amount of each chemical used each day; the date, location, and nature of water quality, pressure, or outage complaints; dates that dead-end mains were flushed; maintenance records for the water system and facilities; disinfectant residual monitoring results, backflow prevention device programs, copies of CSI reports; and results of inspections for all water storage and pressure maintenance facilities.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 60 days:

- i. Begin maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements;
- ii. Repair the leak on the 0.042 MG fiberglass storage tank at Plant No. 3;

Executive Summary – Enforcement Matter – Case No. 57375
Frankston Rural Water Supply Corporation
RN101440857
Docket No. 2021-0716-PWS-E

- iii. Provide an overflow discharge opening on the GST at Plant No. 3 with a gravity-hinged and weighted cover that closes automatically and fits tightly with no gap over 1/16 inch;
 - iv. Ensure that livestock in pastures are not allowed within 50 feet from the Facility's Well No. 1 and Well No. 3; and
 - v. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days:
- i. Provide a well casing vent for Well No. 6 with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well;
 - ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including refurbishing or replacing the GSTs and pressure tanks for Plant No. 1, refurbishing or replacing the GST for Plant 2, repairing the loose barbed wire at Plant No. 1, and removing the overgrown vegetation, scrap metal, and trash within the grounds and fencing at Plant Nos. 1, 2, 3 and 4;
 - iii. Properly house the gas chlorination equipment and cylinders of chlorine so that they are protected from adverse weather conditions and vandalism at Plants Nos. 2, 3, and 4; and
 - iv. Implement a CSI program to ensure all service connections are properly inspected.
- f. Within 105 days, submit written certification to demonstrate compliance with e.
- g. Within 180 days:
- i. Provide an emergency power source that will deliver water at a rate of at least 0.35 gpm per connection in the event of the loss of normal power supply;
 - ii. Provide an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of at least 20 gallons per connection; and

Executive Summary – Enforcement Matter – Case No. 57375
Frankston Rural Water Supply Corporation
RN101440857
Docket No. 2021-0716-PWS-E

- iii. Provide two or more wells having a total capacity of at least 0.6 gpm per connection, or obtain approval to meet alternative capacity requirements in lieu of the minimum capacity requirements.

- h. Within 195 days, submit written certification to demonstrate compliance with g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 8, MC R-14, (361) 881-6991; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Ray Beddingfield, President, Frankston Rural Water Supply Corporation, P.O. Box 725, Frankston, Texas 75763

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	1-Jun-2021	Screening	2-Jun-2021	EPA Due	
	PCW	2-Jun-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Frankston Rural Water Supply Corporation (PCW No. 1)
Reg. Ent. Ref. No.	RN101440857
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	57375	No. of Violations	4
Docket No.	2021-0716-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$220
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	40.0% Adjustment	Subtotals 2, 3, & 7	\$88
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Notes	Enhancement for two agreed orders containing a denial of liability.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$165	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$454	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$308
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$308
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$400
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$400
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Screening Date 2-Jun-2021

Docket No. 2021-0716-PWS-E

PCW

Respondent Frankston Rural Water Supply Corporation (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 57375

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101440857

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 2-Jun-2021

Docket No. 2021-0716-PWS-E

PCW

Respondent Frankston Rural Water Supply Corporation (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 57375

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101440857

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description Failed to provide a well casing vent for the well that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated, and located so as to minimize the drawing of contaminants into the well. Specifically, the well casing vent for Well No. 6 was not facing downward.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (3.0%). Includes 'OR' label.

>> Programmatic Matrix

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

Matrix Notes Failure to provide a well casing vent could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 1 Number of violation days 90

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event. 'single event' is marked with 'x'.

Violation Base Penalty \$30

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$30

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$44

Violation Final Penalty Total \$42

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

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 1)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$150	24-May-2018	1-Aug-2022	4.19	\$2	\$42	\$44
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to provide a well casing vent for Well No. 6 that is facing downward, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$150

TOTAL \$44

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)
Violation Description Failed to calibrate the Facility's well meter at least once every three years. Specifically, flow meters for Well Nos. 7 and 8 had not been calibrated within the past three years.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes Failure to calibrate the well meters could result in inaccurate water usage or unavailable water usage and production data which could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 2 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$60

Two single events are recommended (one for each well).

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$60

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

Estimated EB Amount \$84 **Violation Final Penalty Total** \$84

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 1)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$62	24-May-2018	1-Jun-2022	4.02	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to calibrate the Facility's well meters (\$31 per well meter x two meters), calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$62	24-May-2018	2-Jun-2021	3.03	\$10	\$62	\$72
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 The avoided cost includes the estimated amount to calibrate the Facility's well meters (\$31 per well meter x two meters), calculated from the date of the investigation initially documenting the violation to the date of screening.

Approx. Cost of Compliance \$124

TOTAL \$84

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description

Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, the chemical and microbiological monitoring plan was lacking lead and copper sampling locations, and the bacteriological sample sites needed to be updated.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

At least 70% of the rule requirements were met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$10

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

Estimated EB Amount \$37

Violation Final Penalty Total \$14

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

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 1)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$180	24-May-2018	1-Jul-2022	4.11	\$37	n/a	\$37

Notes for DELAYED costs
 The delayed cost includes the estimated amount to begin maintaining an up-to-date chemical and microbiological monitoring plan, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$180

TOTAL \$37

Screening Date	2-Jun-2021	Docket No.	2021-0716-PWS-E	PCW
Respondent	Frankston Rural Water Supply Corporation (PCW No. 1)	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	57375	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101440857			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)			
Violation Description	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, barbed wire on the fencing surrounding Plant No. 1 was loose. Additionally, Plant Nos. 1, 2, 3, and 4 had overgrown vegetation, scrap metal, and trash within the grounds and fencing.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes: Failure to ensure the good working condition and general appearance of the system's facilities and its equipment could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health

Adjustment \$970

\$30

Violation Events

Number of Violation Events: 4 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$120

Four single events are recommended (one event for each facility/equipment).

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$120

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$0 **Violation Final Penalty Total** \$168

This violation Final Assessed Penalty (adjusted for limits) \$200

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 1)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs
 The delayed cost to repair the fencing surrounding Plant No. 1 and removing the overgrown vegetation, scrap metal, and trash within the grounds and fencing at Plant Nos. 1, 2, 3, and 4 is captured in the Economic Benefit Worksheet for Violation 2 of PCW No. 2.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	1-Jun-2021			
	PCW	2-Jun-2021	Screening	2-Jun-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Frankston Rural Water Supply Corporation (PCW No. 2)
Reg. Ent. Ref. No.	RN101440857
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	57375	No. of Violations	16
Docket No.	2021-0716-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	40.0%	Adjustment	Subtotals 2, 3, & 7	\$5,240
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Notes	Enhancement for two agreed orders containing a denial of liability.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$124
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,837	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$27,635	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$18,216
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$18,216
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,216
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$18,216
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Screening Date 2-Jun-2021

Docket No. 2021-0716-PWS-E

PCW

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 57375

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101440857

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 2-Jun-2021

Docket No. 2021-0716-PWS-E

PCW

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 57375

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101440857

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(N)

Violation Description

Failed to provide flow-measuring devices for each well to measure production yields and provide for the accumulation of water production data. Specifically, the flow meter at Well No. 6 was not operable.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide flow-measuring devices could result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 90 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the date of the investigation, March 4, 2021, to the date of screening, June 2, 2021.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$3,150

This violation Final Assessed Penalty (adjusted for limits) \$3,150

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$100	24-May-2018	1-Jun-2022	4.02	\$1	\$27	\$28
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a flow-measuring device for Well No. 6 to measure production yields and provide for the accumulation of water production data, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$28

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the two ground storage tanks ("GSTs") at Plant No. 1 and the one GST at Plant No. 2 exhibited corrosion on the roofs and around the entry hatches and the interiors were stained. Additionally, two pressure tanks at Plant No. 1 showed areas of rust and chipped paint.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failure to ensure the good working condition and general appearance of the system's facilities and its equipment could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Five quarterly events are recommended (one event for each facility/equipment), calculated from the date of the investigation, March 4, 2021, to the date of screening, June 2, 2021.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	24-May-2018	1-Aug-2022	4.19	\$70	\$1,397	\$1,467
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to refurbishing or replacing the GSTs at Plant Nos. 1 and 2 and pressure tanks at Plant No. 1, repairing the loose barbed wire on the fencing surrounding Plant No. 1, and removing the overgrown vegetation, scrap metal, and trash within the grounds and fencing at Plant Nos. 1, 2, 3, and 4, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,467

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(6) and TCEQ Agreed Order Docket No. 2019-0329-PWS-E, Ordering Provision No. 2.a

Violation Description
 Failed to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage. Specifically, the 0.042 million-gallon ("MG") fiberglass storage tank at Plant No. 3 was leaking.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 Failure to ensure that clearwells, potable water storage tanks, and associated appurtenances are thoroughly tight against leakage could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 7 575 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,750

Seven quarterly events are calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0329-PWS-E, November 5, 2019, to the date of screening, June 2, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$1,750

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

Estimated EB Amount \$133 **Violation Final Penalty Total** \$2,450

This violation Final Assessed Penalty (adjusted for limits) \$2,450

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	5-Nov-2019	1-Jul-2022	2.65	\$133	n/a	\$133

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the leak on the 0.042 MG fiberglass storage tank at Plant No. 3, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0329-PWS-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$133

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2)
Violation Description Failed to ensure that the Facility's GST hatches remain locked except during inspections and maintenance. Specifically, the GST hatches were missing locks at Plant Nos. 1 and 2.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to ensure that the roof hatch is locked could allow unauthorized access to the GSTs and could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 90 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, March 4, 2021, to the date of screening, June 2, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

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

Estimated EB Amount \$4 **Violation Final Penalty Total** \$350

This violation Final Assessed Penalty (adjusted for limits) \$350

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$50	4-Mar-2021	1-Jun-2022	1.24	\$0	\$4	\$4
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide the GSTs hatches with locks at Plant Nos. 1 and 2, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$4

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,000	4-Mar-2021	1-Aug-2022	1.41	\$14	\$282	\$296
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly house the chlorine cylinders from adverse conditions, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$296

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(v) and Tex. Health & Safety Code § 341.0315(c)

Violation Description
 Failed to provide emergency power that will deliver water at a minimum rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply. Specifically, Pressure Plane Nos. 2 and 3 had 303 connections collectively and did not provide any elevated storage or an emergency power source, such as a back-up generator.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 Failed to provide emergency power could result in water outages at the Facility, exposing customers of the Facility to contaminants which would exceed levels that are protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 90 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the date of the investigation, March 4, 2021, to the date of screening, June 2, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$2,250

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

Estimated EB Amount \$931 **Violation Final Penalty Total** \$3,150

This violation Final Assessed Penalty (adjusted for limits) \$3,150

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$8,000	4-Mar-2021	1-Nov-2022	1.66	\$44	\$887	\$931
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to purchase and install an emergency power generator, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,000

TOTAL

\$931

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)
Violation Description Failed to provide an overflow discharge opening on the GST with a gravity-hinged and weighted cover that closes automatically and fits tightly with no gap over 1/16 inch, an elastomeric duckbill valve, or other approved device to prevent the entrance of insects and other nuisances. Specifically, the overflow cover for the storage tank at Plant No. 3 did not fit tightly against the discharge opening.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential		x			

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to provide the GST with an overflow pipe with a tightly fitting cover could allow a significant amount of contaminants to enter the water supply which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 90 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, March 4, 2021, to the date of screening, June 2, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

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

Estimated EB Amount \$46 **Violation Final Penalty Total** \$350

This violation Final Assessed Penalty (adjusted for limits) \$350

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	4-Mar-2021	1-Jul-2022	1.33	\$2	\$44	\$46
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an overflow discharge opening on the GST with a gravity-hinged and weighted cover that closes automatically and fits tightly with no gap over 1/16 inch, an elastomeric duckbill valve, or other approved device to prevent the entrance of insects and other nuisances at Plant No. 3, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$46
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Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(D)
Violation Description Failed to ensure that livestock in pastures are not allowed within 50 feet of the Facility's Well No. 1 and Well No. 3.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to keep livestock at least 50 feet from the wells could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 90 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, March 4, 2021, to the date of screening, June 2, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

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

Estimated EB Amount \$37 **Violation Final Penalty Total** \$350

This violation Final Assessed Penalty (adjusted for limits) \$350

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$400	4-Mar-2021	1-Jul-2022	1.33	\$2	\$35	\$37
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that livestock are not allowed within 50 feet of the Facility's Well No. 1 and Well No. 3, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$400

TOTAL \$37

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(A)(vi), (f)(3)(B)(iii), (f)(3)(B)(v), (f)(3)(E)(iv), and (f)(3)(D)(ii)

Violation Description Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records for the amount of each chemical used each day; the date, location, and nature of water quality, pressure, or outage complaints; dates that dead-end mains were flushed; maintenance records for the water system and facilities; disinfectant residual monitoring results; backflow prevention device programs; copies of Customer Service Inspection ("CSI") reports; and results of inspections for all water storage and pressure maintenance facilities were not maintained on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

Matrix Notes At least 70% of the rule requirements were met.

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$50

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

Estimated EB Amount \$3 **Violation Final Penalty Total** \$70

This violation Final Assessed Penalty (adjusted for limits) \$70

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$45	4-Mar-2021	1-Jun-2022	1.24	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$3

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 10
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, Pressure Plane Nos. 2 and 3 had 303 connections altogether, requiring 6,060 gallons of pressure tank capacity. However, only 6,000 gallons were provided, indicating a 1% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to provide adequate elevated storage or pressure tank capacity could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$150

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

Estimated EB Amount \$233 **Violation Final Penalty Total** \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	4-Mar-2021	1-Nov-2022	1.66	\$11	\$222	\$233
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of at least 20 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$233

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
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Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 11
Rule Cite(s) 30 Tex. Admin. Code § 290.42(I)
Violation Description Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$500

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

Estimated EB Amount \$12 **Violation Final Penalty Total** \$700

This violation Final Assessed Penalty (adjusted for limits) \$700

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	4-Mar-2021	1-Jul-2022	1.33	\$12	n/a	\$12

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain a thorough and up-to-date plant operations manual, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$12

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 12
Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)
Violation Description Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$500

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

Estimated EB Amount \$11 **Violation Final Penalty Total** \$700

This violation Final Assessed Penalty (adjusted for limits) \$700

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	4-Mar-2021	1-Jun-2022	1.24	\$11	n/a	\$11

Notes for DELAYED costs

The delayed cost includes the estimated amount to make available an up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$180

TOTAL \$11

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 13
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(i) and
 Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide two or more wells having a total capacity of 0.6 gpm per connection. Specifically, Pressure Plane Nos. 2 and 3 had 303 connections altogether, requiring a well capacity of 182 gpm. However, only 172 gpm were provided, indicating a 5% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to provide adequate well capacity could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$150

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

Estimated EB Amount \$582 **Violation Final Penalty Total** \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	4-Mar-2021	1-Nov-2022	1.66	\$28	\$554	\$582
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide two or more wells having a total capacity of at least 0.6 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$582

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code § 290.46(j)

Violation Description
 Failed to complete a CSI certificate prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. Specifically, the Respondent did not conduct CSIs for the new connections for the Meadows Subdivision off of Lake Palestine.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
 Failure to conduct a CSI may result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 90 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the date of the investigation, March 4, 2021, to the date of screening, June 2, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$2,250

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

Estimated EB Amount \$44 **Violation Final Penalty Total** \$3,150

This violation Final Assessed Penalty (adjusted for limits) \$3,150

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	4-Mar-2021	1-Jun-2022	1.24	\$31	n/a	\$31
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)	\$180	4-Mar-2021	1-Aug-2022	1.41	\$13	n/a	\$13

Notes for DELAYED costs

The Record Keeping System delayed cost includes the estimated amount to conduct CSIs at all locations where cross-connections or potential contamination hazards exist, including but not limited to the connections at Meadows Subdivision, calculated from the date of the investigation to the estimated date of compliance.

The Other (as needed) delayed cost includes the estimated amount to implement a CSI program to ensure that all service connections are properly inspected, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$680

TOTAL

\$44

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(7)

Violation Description Failed to have all associated appurtenances including valves, pipes and fittings connected to pressure tanks thoroughly tight against leakage. Specifically, the pressure tank at Plant No. 1 was leaking at the pressure tank drain pipe.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to maintain all pressure tanks and associated appurtenances in a watertight condition could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 36 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, March 4, 2021, to the date of compliance, April 9, 2021.

Good Faith Efforts to Comply 25.0% Reduction \$62

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance on April 9, 2021.

Violation Subtotal \$188

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

Estimated EB Amount \$3 **Violation Final Penalty Total** \$288

This violation Final Assessed Penalty (adjusted for limits) \$288

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$500	4-Mar-2021	9-Apr-2021	0.10	\$0	\$3	\$3
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to repair the leaking pressure tank drain pipe, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$3

Screening Date 2-Jun-2021 **Docket No.** 2021-0716-PWS-E **PCW**
Respondent Frankston Rural Water Supply Corporation (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 57375 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 16
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)
Violation Description Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, the piping surrounding Well No. 6 and Well No. 8 was leaking with standing water on the ground surface.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to maintain the Facility's equipment in a watertight condition could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 36 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, March 4, 2021, to the date of compliance, April 9, 2021.

Good Faith Efforts to Comply 25.0% Reduction \$62

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance on April 9, 2021.

Violation Subtotal \$188

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

Estimated EB Amount \$7 **Violation Final Penalty Total** \$288

This violation Final Assessed Penalty (adjusted for limits) \$288

Economic Benefit Worksheet

Respondent Frankston Rural Water Supply Corporation (PCW No. 2)
Case ID No. 57375
Reg. Ent. Reference No. RN101440857
Media Public Water Supply
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	4-Mar-2021	9-Apr-2021	0.10	\$0	\$7	\$7
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the leaking pipes surrounding Well Nos. 6 and 8 (\$500 per well x two wells), calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$7

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN600641989, RN101440857, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600641989, Frankston Rural Water Supply Corporation **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101440857, FRANKSTON RURAL WSC **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: LOCATED .25 MILES WEST OF COUNTY ROAD 318 AND STATE HIGHWAY 155, NEAR FRANKSTON, ANDERSON, COUNTY, TEXAS

TCEQ Region: REGION 05 - TYLER

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0010004 **WATER LICENSING LICENSE** 0010004

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

Date Compliance History Report Prepared: August 24, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 24, 2016 to August 24, 2021

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

Name: EPIFANIO VILLARREAL

Phone: (361) 825-3421

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: 12/11/2018 ADMINORDER 2017-0899-PWS-E (1660 Order-Agreed Order With Denial)

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 6M2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2016 to 12/31/2016 within the required timeline.

Classification: Moderate

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

Description: LCR RT MR 1st 6M2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2016 to 06/30/2016 within the required timeline.

Classification: Moderate

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

Description: LCR RD MR YR2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2015 to 12/31/2015 within the required timeline.

Classification: Moderate

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

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

Description: LCR RD MR 3Y2014 - The system failed to monitor and/or report distribution lead and copper levels to the

TCEQ for the triennial reduced monitoring period from 01/01/2012 to 12/31/2014 within the required timeline.

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 RT MR PN 1st 6M2016 - 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 follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 01/01/2016 to 06/30/2016.

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 - 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 distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2015 to 12/31/2015.

Classification: Moderate

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

Description: LCR RD MR PN 3Y2014 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 distribution lead and copper reduced monitoring and reporting violation for the triennial reduced monitoring period from 01/01/2012 to 12/31/2014.

2 Effective Date: 11/05/2019 ADMINORDER 2019-0329-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)

Description: Failure to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage. Specifically, the 0.042 million gallon ("MG") fiberglass storage tank at Plant No. 3 was leaking.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 8/24/2016 and 8/24/2021

1 Date: 11/10/2014 (1403860) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RD MR 3Y2014 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2012 to 12/31/2014 within the required timeline.

2 Date: 03/16/2015 (1403860) Classification: Moderate
Self Report? NO For Informational Purposes Only
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 3Y2014 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 distribution lead and copper reduced monitoring and reporting violation for the triennial reduced monitoring period from 01/01/2012 to 12/31/2014.

3 Date: 11/18/2015 (1403860) Classification: Moderate
Self Report? NO For Informational Purposes Only
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 system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2015 to 12/31/2015 within the required timeline.

4 Date: 03/24/2016 (1403860) Classification: Moderate
Self Report? NO For Informational Purposes Only
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 - 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 distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2015 to 12/31/2015.

5 Date: 08/09/2016 (1403860) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RT MR 1st 6M2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2016 to 06/30/2016 within the required timeline.

6 Date: 12/08/2016 (1403860) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RT MR PN 1st 6M2016 - 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 follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 01/01/2016 to 06/30/2016.

7 Date: 01/26/2017 (1403860) Classification: Moderate

Self Report? NO For Informational Purposes Only
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 6M2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2016 to 12/31/2016 within the required timeline.

8 Date: 03/31/2017 (1401254) Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failure to provide operating records and reports.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to provide tank inspection reports.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii)
Description: Failure to provide annual test results for backflow prevention devices.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
Description: Failure to provide Disinfectant Level Quarterly Operating Reports (DLQOR).
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
Description: Failure to have an upper and lower vent installed in the chlorination room.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)
Description: Failure to provide measuring facility for chemical usage.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Failure to post a legible sign of ownership at production, treatment and storage facility.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Failure to provide an in-line filter on air injection lines for pressure tanks.

9 Date: 07/12/2018 (1497682) Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: Failure to have a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to have flow measuring devices calibrated at least once every three years.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
Description: Failure to collect distribution coliform samples at locations specified in the system's monitoring plan.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.121
Description: Failure to have a complete and up to date Monitoring Plan.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)
Description: Failure to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage. Specifically, the 0.042 million gallon ("MG") fiberglass storage tank at Plant No. 3 was leaking.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
Description: Failure to provide a suitable flow measuring device to measure production yields.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failure to maintain the good working condition of the water system ground storage tanks.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain general appearance of system's facilities and equipment.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
Description: Failure to maintain a minimum chlorine residual within the distribution.

10 Date: 09/19/2018 (1513243)
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)
Description: Failure to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage. Specifically, the 0.042 million gallon ("MG") fiberglass storage tank at Plant No. 3 was leaking.

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

Appendix B
All Investigations Conducted During Component Period August 24, 2016 and August 24, 2021

(1401254)
Item 1 March 28, 2017** For Informational Purposes Only

(1403054)
Item 2 April 06, 2017** For Informational Purposes Only

(1403860)
Item 3 April 10, 2017** For Informational Purposes Only

(1407413)

Item 4	April 13, 2017**	For Informational Purposes Only (1497682)
Item 5	June 29, 2018**	For Informational Purposes Only (1513243)
Item 6	September 14, 2018**	For Informational Purposes Only (1524618)
Item 7	November 14, 2018**	For Informational Purposes Only (1710401)
Item 8	May 26, 2021	For Informational 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
ENFORCEMENT ACTION
CONCERNING
FRANKSTON RURAL WATER
SUPPLY CORPORATION
RN101440857**

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

AGREED ORDER DOCKET NO. 2021-0716-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Frankston Rural Water Supply Corporation (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this 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 0.25 miles west of County Road 318 and State Highway 155 near Frankston, Anderson County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 582 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(71).
2. During an investigation conducted on March 4, 2021 through April 9, 2021, an investigator documented that:
 - a. The flow meter at Well No. 6 was not operable.
 - b. The two ground storage tanks ("GSTs") at Plant No. 1 and the one GST at Plant No. 2 exhibited corrosion on the roofs and around the entry hatches and the interiors were stained. Additionally, the two pressure tanks at Plant No. 1 showed areas of rust and chipped paint. In addition, barbed wire on the fencing

surrounding Plant No. 1 was loose. Lastly, Plant Nos. 1, 2, 3, and 4 had overgrown vegetation, scrap metal, and trash within the grounds and fencing.

- c. The 0.042 million-gallon ("MG") fiberglass storage tank at Plant No. 3 was leaking.
- d. The GST hatches were missing locks at Plant Nos. 1 and 2.
- e. The porta potties used for the housing of gas chlorination equipment at Plants Nos. 2, 3, and 4 did not protect the equipment from adverse weather conditions due to a hole at the corner of the roof of each porta potty.
- f. Pressure Plane Nos. 2 and 3 had 303 connections collectively and did not provide any elevated storage or an emergency power source, such as a back-up generator.
- g. The overflow cover for the storage tank at Plant No. 3 did not fit tightly against the discharge opening.
- h. The Respondent did not ensure that livestock in pastures are not allowed within 50 feet of the Facility's Well No. 1 and Well No. 3.
- i. Records for the amount of each chemical used each day; the date, location, and nature of water quality, pressure, or outage complaints; dates that dead-end mains were flushed; maintenance records for the water system and facilities; disinfectant residual monitoring results; backflow prevention device programs; copies of Customer Service Inspection ("CSI") reports; and results of inspections for all water storage and pressure maintenance facilities were not maintained on-site for review.
- j. Pressure Plane Nos. 2 and 3 had 303 connections altogether, requiring 6,060 gallons of pressure tank capacity. However, only 6,000 gallons were provided, indicating a 1% deficiency.
- k. The Respondent did not maintain a thorough and up-to-date plant operations manual for operator review and reference.
- l. The Respondent did not make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.
- m. Pressure Plane Nos. 2 and 3 had 303 connections altogether, requiring a well capacity of 182 gallon per minute ("gpm"). However, only 172 gpm were provided, indicating a 5% deficiency.
- n. The Respondent did not conduct CSIs for the new connections for the Meadows Subdivision off of Lake Palestine.

- o. The pressure tank at Plant No. 1 was leaking at the pressure tank drain pipe.
 - p. The piping surrounding Well No. 6 and Well No. 8 was leaking with standing water on the ground surface.
 - q. The well casing vent for Well No. 6 was not facing downward.
 - r. The flow meters for Well Nos. 7 and 8 had not been calibrated within the past three years.
 - s. The chemical and microbiological monitoring plan was lacking lead and copper sampling locations, and the bacteriological sample sites needed to be updated.
3. The Executive Director recognizes that on April 9, 2021, the Respondent implemented the following corrective measures at the Facility:
- a. Repaired the leaking drain pipe on the pressure tank at Plant No. 1; and
 - b. Repaired the leaking piping surrounding Well Nos. 6 and 8.

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 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to provide flow-measuring devices for each well to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(6) and TCEQ Agreed Order Docket No. 2019-0329-PWS-E, Ordering Provision No. 2.a.
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to ensure that the Facility's GST hatches remain locked except during inspections and maintenance, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2).

6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to properly house the gas chlorine cylinders so that they are protected from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B).
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to provide emergency power that will deliver water at a minimum rate of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to provide an overflow discharge opening on the GST with a gravity-hinged and weighted cover that closes automatically and fits tightly with no gap over 1/16 inch, an elastomeric duckbill valve, or other approved device to prevent the entrance of insects and other nuisances, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
9. As evidenced by Finding of Fact No. 2.h, the Respondent failed to ensure that livestock in pastures are not allowed within 50 feet of the Facility's Well No. 1 and Well No. 3, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(D).
10. As evidenced by Finding of Fact No. 2.i, the Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(A)(vi), (f)(3)(B)(iii), (f)(3)(B)(v), (f)(3)(E)(iv), and (f)(3)(D)(ii).
11. As evidenced by Finding of Fact No. 2.j, the Respondent failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
12. As evidenced by Finding of Fact No. 2.k, the Respondent failed to maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
13. As evidenced by Finding of Fact No. 2.l, the Respondent failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
14. As evidenced by Finding of Fact No. 2.m, the Respondent failed to provide two or more wells having a total capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
15. As evidenced by Finding of Fact No. 2.n, the Respondent failed to complete a CSI certificate prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvement,

- correction, or addition to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
16. As evidenced by Finding of Fact No. 2.o, the Respondent failed to have all associated appurtenances including valves, pipes and fittings connected to pressure tanks thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(7).
 17. As evidenced by Finding of Fact No. 2.p, the Respondent failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
 18. As evidenced by Finding of Fact No. 2.q, the Respondent failed to provide a well casing vent for the well that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated, and located so as to minimize the drawing of contaminants into the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
 19. As evidenced by Finding of Fact No. 2.r, the Respondent failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
 20. As evidenced by Finding of Fact No. 2.s, the Respondent failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
 21. 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.
 22. An administrative penalty in the amount of \$18,616 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 Respondent paid \$521 of the penalty. The remaining amount of \$18,095 shall be paid in 35 monthly payments of \$517 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 amount.

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. 22 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: Frankston Rural Water Supply Corporation, Docket No. 2021-0716-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Calibrate the Facility's well meters for Well Nos. 7 and 8, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Provide a flow measuring device for the Facility's Well No. 6 to measure production yield and provide for the accumulation of water production data, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - iii. Install locks on the GST hatches at Plant Nos. 1 and 2, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - iv. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - v. Conduct a CSI for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, including but not limited to the new connections for the Meadows Subdivision off of Lake Palestine, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - vi. Compile and maintain properly completed water works operation and maintenance records, including but not limited to records for the amount of each chemical used each day; the date, location, and nature of water

quality, pressure, or outage complaints; dates that dead-end mains were flushed; maintenance records for the water system and facilities; disinfectant residual monitoring results, backflow prevention device programs, copies of CSI reports; and results of inspections for all water storage and pressure maintenance facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.vi.
- c. Within 60 days after the effective date of this Order:
 - i. Begin maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121;
 - ii. Repair the leak on the 0.042 MG fiberglass storage tank at Plant No. 3, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - iii. Provide an overflow discharge opening on the GST at Plant No. 3 with a gravity-hinged and weighted cover that closes automatically and fits tightly with no gap over 1/16 inch, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - iv. Ensure that livestock in pastures are not allowed within 50 feet from the Facility's Well No. 1 and Well No. 3, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - v. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i through 2.c.v.
- e. Within 90 days after the effective date of this Order:
 - i. Provide a well casing vent for Well No. 6 with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well, in accordance with 30 TEX. ADMIN. CODE § 290.41;

- ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including refurbishing or replacing the GSTs and pressure tanks for Plant No. 1, refurbishing or replacing the GST for Plant 2, repairing the loose barbed wire at Plant No. 1, and removing the overgrown vegetation, scrap metal, and trash within the grounds and fencing at Plant Nos. 1, 2, 3 and 4, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Properly house the gas chlorination equipment and cylinders of chlorine so that they are protected from adverse weather conditions and vandalism at Plants Nos. 2, 3, and 4, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - iv. Implement a CSI program to ensure all service connections are properly inspected, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i through 2.e.iv.
- g. Within 180 days after the effective date of this Order:
- i. Provide an emergency power source that will deliver water at a rate of at least 0.35 gpm per connection in the event of the loss of normal power supply, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide two or more wells having a total capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45, or obtain approval to meet alternative capacity requirements in lieu of the minimum capacity requirements pursuant to 30 TEX. ADMIN. CODE § 290.45(g). Alternative capacity approval requests shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- h. Within 195 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

Nos. 2.g.i through 2.g.iii. 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:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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 Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.

7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



9/28/2022

For the Executive Director

Date

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

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

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

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

Signature

Date

Name (Printed or typed)

Title

Authorized Representative of

Frankston Rural Water Supply Corporation

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

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