

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 55693
DEANVILLE WATER SUPPLY CORPORATION
RN101442085
Docket No. 2022-1593-MLM-E

Order Type:
Default Order

Media:
MLM: PWS and WR

Small Business:
N/A

Location Where Violations Occurred:
6535 Farm-to-Market Road 111, Deanville, Burleson County

Type of Operation:
public water supply

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

Texas Register Publication Date: September 6, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$25,375

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$25,375

Compliance History Classifications:
Person/CN - Not Applicable
Site/RN - Not Applicable

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Date of Investigation: September 14, 2022

Date of NOV: N/A

Date of NOE: October 28, 2022

Violation Information

1. Failed to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4)].
2. 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)].
3. Failed to ensure that all clearwells, ground storage tanks, standpipes, and elevated storage tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].
4. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan at each water treatment plant that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water supply ("PWS") will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.c.].
5. Failed to provide a total storage capacity of 200 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii)].
6. Failed to provide a total storage capacity of 200 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii)].
7. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i)].
8. Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane [TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.f.].
9. Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane [TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.f.].
10. Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane, [TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.f.].
11. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv)].
12. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv)].
13. Failed to review and update, as appropriate, the drought contingency plan at least every five years, [30 TEX. ADMIN. CODE § 288.20(c)].

Corrective Actions/Technical Requirements

Corrective Action Completed:

Respondent began maintaining a minimum disinfection residual of 0.2 mg/L through the Facility's distribution system at all times, as of September 15, 2022.

Technical Requirements:

1. Within 30 days review and update the drought contingency plan, as appropriate.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement No. 1.
3. Within 60 days develop and maintain a 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.
4. Within 75 days submit written certification to demonstrate compliance with Technical Requirement No. 3.
5. Within 90 days:
 - a. Ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage, including the leaking standpipe for Plant No. 4; and
 - b. Recoat the exterior of the standpipe for Plant No. 4 and ensure that the coating is no longer sloughing off.
6. Within 105 days submit written certification to demonstrate compliance with Technical Requirement Nos. 5. a. and 5. b.
7. Within 180 days:
 - a. Provide a total storage capacity of 200 gallons per connection for Pressure Plane Nos. 2 (Ripple) and 3 (Birch);
 - b. Provide a well capacity of 0.6 gpm per connection for Pressure Plane No. 1 (Deanville);
 - c. Provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane for Pressure Plane Nos. 2 (Ripple), 3 (Birch), and 4 (Standpipe); and
 - d. Provide an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of at least 20 gallons per connection for Pressure Plane Nos. 3 (Birch) and 4 (Standpipe).
8. Within 195 days submit written certification to demonstrate compliance with Technical Requirement Nos. 7. a. through 7. d.

Litigation Information

Date Petition Filed: June 4, 2024
Date of Service: June 6, 2024
Date Answer Filed: N/A

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 55693
DEANVILLE WATER SUPPLY CORPORATION
RN101442085
Docket No. 2022-1593-MLM-E

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Contact Information

TCEQ Attorneys: Cynthia Sirois, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Christiana McCrimmon, Enforcement Division, (361) 881-6991

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

Respondent Contact: Marvin Laffere, President, DEANVILLE WATER SUPPLY CORPORATION, 4606 FM
60 S, Caldwell, Texas 77836

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Oct-2022	Screening	17-Nov-2022	EPA Due	
	PCW	6-May-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Reg. Ent. Ref. No.	RN101442085
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	55693	No. of Violations	12
Docket No.	2022-1593-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$17,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0%	Adjustment	Subtotals 2, 3, & 7	\$7,650
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Notes: Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$15,010
 Estimated Cost of Compliance: \$85,290
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$24,650
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$24,650
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$24,650
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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.

PAYABLE PENALTY	\$24,650
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Screening Date	17-Nov-2022	Docket No.	2022-1593-MLM-E	PCW
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	55693			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101442085			
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>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date	17-Nov-2022	Docket No.	2022-1593-MLM-E	PCW
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	55693			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101442085			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description
 Failed to maintain a minimum disinfectant residual of 0.2 milligram per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, a free chlorine residual concentration of 0.08 mg/L was measured from a hose bib at 729 Farm-to-Market Road 971. In addition, the free chlorine residual from a sample tap at the entry point to the Pressure Plane 3 distribution system (Birch Plant) was found to be 0.06 mg/L. A second chlorine residual sample from the Pressure Plane entry point sample tap was found to be 0.07 mg/L.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes Failure to maintain proper levels of disinfection 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

One quarterly event is recommended, calculated from the date of the investigation, September 14, 2022 to the date of compliance, September 15, 2022.

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 DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
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				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)	\$100	14-Sep-2022	15-Sep-2022	0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to determine the cause of non-compliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system, calculated from the date of the investigation to the date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$100	TOTAL	\$0
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Screening Date	17-Nov-2022	Docket No.	2022-1593-MLM-E	PCW
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	55693			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101442085			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(6)			
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 Plant No. 4 standpipe was leaking.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 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	1	64	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, September 14, 2022, to the date of screening, November 17, 2022.

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 \$75 **Violation Final Penalty Total** \$363

This violation Final Assessed Penalty (adjusted for limits) \$363

Economic Benefit Worksheet

Respondent DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
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)	\$500	14-Sep-2022	1-Nov-2024	2.13	\$4	\$71	\$75
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 standpipe at Plant No. 4, 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

\$75

Screening Date 17-Nov-2022	Docket No. 2022-1593-MLM-E	PCW
Respondent DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)		Policy Revision 5 (January 28, 2021)
Case ID No. 55693		PCW Revision February 11, 2021
Reg. Ent. Reference No. RN101442085		
Media Public Water Supply		
Enf. Coordinator Epifanio Villarreal		

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	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 EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	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 DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
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)	\$5,000	14-Sep-2022	1-Nov-2024	2.13	\$36	\$711	\$747
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 repaint and repair the exterior coating of the Facility's standpipe for Plant No. 4, 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

\$747

Screening Date 17-Nov-2022	Docket No. 2022-1593-MLM-E	PCW
Respondent DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)		Policy Revision 5 (January 28, 2021)
Case ID No. 55693		PCW Revision February 11, 2021
Reg. Ent. Reference No. RN101442085		
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				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent <input type="text" value="10.0%"/>	

Matrix Notes

Adjustment

Violation Events

Number of Violation Events	<input type="text" value="22"/>	<input type="text" value="654"/>	Number of violation days	
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	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		

Violation Base Penalty

Twenty-two monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-1789-PWS-E, February 1, 2021, to the date of screening, November 17, 2022.

Good Faith Efforts to Comply Reduction

		Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Notes

Violation Subtotal

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

Estimated EB Amount <input type="text" value="\$33"/>	Violation Final Penalty Total <input type="text" value="\$15,950"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$15,950"/>	

Economic Benefit Worksheet

Respondent DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	1-Feb-2021	1-Oct-2024	3.67	\$33	n/a	\$33

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and begin maintaining an up-to-date chemical and microbiological monitoring plan, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-1789-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

\$180

TOTAL

\$33

Screening Date	17-Nov-2022	Docket No.	2022-1593-MLM-E	PCW
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	55693			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101442085			
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		
		Major	Moderate	Minor	
	Release				
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> Programmatic Matrix

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

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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

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 DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$4,300	14-Sep-2022	1-Mar-2025	2.46	\$35	\$706	\$741
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 total storage capacity of at least 200 gallons per connection (\$2.15 x 2,000 gallons) for Pressure Plane No. 2 (Ripple), 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

\$4,300

TOTAL

\$741

Screening Date	17-Nov-2022	Docket No.	2022-1593-MLM-E	PCW
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	55693			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101442085			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

Violation Number

Rule Cite(s)

Violation Description

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**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
<input type="text" value="Failure to provide adequate storage capacity could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels that are 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

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/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 DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$63,210	14-Sep-2022	1-Mar-2025	2.46	\$519	\$10,379	\$10,898
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 total storage capacity of at least 200 gallons per connection (\$2.15 x 29,400 gallons) for Pressure Plane No. 3 (Birch), 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

\$63,210

TOTAL

\$10,898

Screening Date	17-Nov-2022	Docket No.	2022-1593-MLM-E	PCW
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	55693			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101442085			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

Violation Number

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 a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility's Pressure Plane No. 1 (Deanville) had 250 connections requiring a well capacity of 150 gpm. However, only 70 gpm of well capacity was provided, indicating a 53% deficiency.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 Failure to provide adequate well capacity could expose persons served by the Facility to contaminants that would exceed levels that are 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" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Three monthly events are recommended, calculated from the date of the investigation, September 14, 2022, to the date of screening, November 17, 2022.

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 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 DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
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)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	14-Sep-2022	1-Mar-2025	2.46	\$41	\$821	\$862
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 capacity of at least 0.6 gpm per connection for Pressure Plane No. 1 (Deanville), calculated from the date of the investigation to the estimated compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$862

Screening Date	17-Nov-2022	Docket No.	2022-1593-MLM-E	PCW
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	55693			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101442085			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

Violation Number	8
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.f
Violation Description	Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane. Specifically, Pressure Plane No. 2 (Ripple) had 360 service connections requiring a total service pump capacity of 720 gpm. However, only 700 gpm of service pump capacity was provided, indicating a 3% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

Matrix Notes
Failure to provide adequate service pump capacity could result in water outages and low pressure problems, exposing 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 1 654 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 EDPRP/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 \$286 **Violation Final Penalty Total** \$218

This violation Final Assessed Penalty (adjusted for limits) \$218

Economic Benefit Worksheet

Respondent DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment	\$1,000	1-Feb-2021	1-Mar-2025	4.08	\$14	\$272	\$286
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 two or more service pumps which meet the minimum service pump capacity for Pressure Plane No. 2 (Ripple), calculated from the effective date of TCEQ Agreed Order Docket No. 2019-1789-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

\$286

Screening Date 17-Nov-2022	Docket No. 2022-1593-MLM-E	PCW
Respondent DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)		Policy Revision 5 (January 28, 2021)
Case ID No. 55693		PCW Revision February 11, 2021
Reg. Ent. Reference No. RN101442085		
Media Public Water Supply		
Enf. Coordinator Epifanio Villarreal		

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.f

Violation Description
 Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane. Specifically, Pressure Plane No. 3 (Birch) had 297 service connections requiring a total service pump capacity of 594 gpm. However, only 500 gpm of service pump capacity was provided, indicating a 16% deficiency.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 Failure to provide adequate service pump capacity could result in water outages and low pressure problems, exposing 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	x
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Eight quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-1789-PWS-E, February 1, 2021, to the date of screening, November 17, 2022.

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	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 DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment	\$1,000	1-Feb-2021	1-Mar-2025	4.08	\$14	\$272	\$286
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 two or more service pumps which meet the minimum service pump capacity for Pressure Plane No. 3 (Birch), calculated from the effective date of TCEQ Agreed Order Docket No. 2019-1789-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	\$286
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Screening Date 17-Nov-2022	Docket No. 2022-1593-MLM-E	PCW
Respondent DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)		<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No. 55693		<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No. RN101442085		
Media Public Water Supply		
Enf. Coordinator Epifanio Villarreal		

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c) and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.f

Violation Description
 Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane. Specifically, Pressure Plane No. 4 (Standpipe) had 157 service connections requiring a total service pump capacity of 314 gpm. However, only 300 gpm of service pump capacity was provided, indicating a 4% deficiency.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 Failure to provide adequate service pump capacity could result in water outages and low pressure problems, exposing persons served by the Facility to an insignificant 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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	x

Violation Base Penalty

One single event is recommended.

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	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 DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
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	1-Feb-2021	1-Mar-2025	4.08	\$27	\$544	\$571
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 two or more service pumps which meet the minimum service pump capacity for Pressure Plane No. 4 (Standpipe), calculated from the effective date of TCEQ Agreed Order Docket No. 2019-1789-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

\$2,000

TOTAL

\$571

Screening Date	17-Nov-2022	Docket No.	2022-1593-MLM-E	PCW
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	55693			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101442085			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> 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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	

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 DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
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)	\$2,000	14-Sep-2022	1-Mar-2025	2.46	\$16	\$328	\$344
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 for Pressure Plane No. 3 (Birch), 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

\$344

Screening Date 17-Nov-2022	Docket No. 2022-1593-MLM-E	PCW
Respondent DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)		<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No. 55693		<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No. RN101442085		
Media Public Water Supply		
Enf. Coordinator Epifanio Villarreal		

Violation Number 12

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 No. 4 (Standpipe) had 157 connections, requiring 3,140 gallons of pressure tank capacity. However, only 3,000 gallons were provided, indicating a 4% deficiency.

Base Penalty \$5,000

>> **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 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 64 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 \$167 **Violation Final Penalty Total** \$218

This violation Final Assessed Penalty (adjusted for limits) \$218

Economic Benefit Worksheet

Respondent DEANVILLE WATER SUPPLY CORPORATION (PCW No. 1 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
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)	\$1,000	14-Sep-2022	1-Feb-2025	2.39	\$8	\$159	\$167
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 for Pressure Plane No. 4 (Standpipe), 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

\$1,000

TOTAL

\$167



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Oct-2022	Screening	17-Nov-2022	EPA Due	
	PCW	6-May-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 2 of 2)
Reg. Ent. Ref. No.	RN101442085
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	55693	No. of Violations	1
Docket No.	2022-1593-MLM-E	Order Type	Findings
Media Program(s)	Water Rights	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
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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	45.0%	Adjustment	Subtotals 2, 3, & 7	\$225
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Notes: Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$5
 Estimated Cost of Compliance: \$50
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$725
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$725
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$725
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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.

PAYABLE PENALTY	\$725
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Screening Date	17-Nov-2022	Docket No.	2022-1593-MLM-E	PCW
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 2 of 2)		Policy Revision 5 (January 28, 2021)	
Case ID No.	55693	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101442085			
Media	Water Rights			
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>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 45%

Screening Date	17-Nov-2022	Docket No.	2022-1593-MLM-E	PCW
Respondent	DEANVILLE WATER SUPPLY CORPORATION (PCW No. 2 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	55693			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101442085			
Media	Water Rights			
Enf. Coordinator	Epifanio Villarreal			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10.0%"/>

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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<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 DEANVILLE WATER SUPPLY CORPORATION (PCW No. 2 of 2)
Case ID No. 55693
Reg. Ent. Reference No. RN101442085
Media Water Rights
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	14-Sep-2022	1-Sep-2024	1.97	\$5	n/a	\$5

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to review the drought contingency plan and update it as needed, 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

\$50

TOTAL

\$5



Compliance History Report

Compliance History Report for CN600623656, RN101442085, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600623656, DEANVILLE WATER SUPPLY CORPORATION **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101442085, DEANVILLE WATER SUPPLY CORPORATION **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 6535 FARM-TO-MARKET ROAD 111, DEANVILLE, BURLESON COUNTY, TEXAS

TCEQ Region: REGION 09 - WACO

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0260014

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: May 06, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 06, 2019 to May 06, 2024

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

Name: EPI VILLARREAL **Phone:** (361) 881-6991

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: 02/01/2021 ADMINORDER 2019-1789-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to have working water level indicator on the ground storage tank at Plant Nos. 3 and 4.

Classification: Minor

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

Description: Failure to flush dead-end mains each month.

Classification: Major

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

Rqmt Prov: 2.a.i ORDER

Description: Failure to calibrate well flow meters. Failure to comply with Ordering Provision No. 2.a.i of the Agreed Commission Order Docket No. 2018-0200-PWS -E.

Classification: Major

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

Rqmt Prov: 2.a.iii ORDER

Description: Failure to remove tree branches overhanging the storage tank at Plant No. 3. Failure to comply with Ordering Provision No. 2.a.iii of the Agreed Commission Order Docket No. 2018-0200-PWS -E.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(b)

Rqmt Prov: 2.a.iv ORDER

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan. Failure to comply with Ordering Provision No. 2.a.iv of the Agreed Commission Order Docket No. 2018-0200-PWS -E.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: 2.e ORDER

Description: Failure to provide adequate service pump capacity. Failure to comply with Ordering Provision No. 2.e of the Agreed Commission Order Docket No. 2018-0200-PWS -E.

2 Effective Date: 06/13/2023 ADMINORDER 2022-1406-UTL-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2B TWC Chapter 13, SubChapter A 13.1394(b)(2)

Description: Failure to submit to the TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations. As of the date of this investigation, System has not submitted EPP for approval.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 04, 2019	(1569856)
Item 2	December 27, 2019	(1616788)

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

- describes the sampling frequency, and specifies the analytical procedures and laboratories that the PWS will use to comply with the monitoring requirements;
- e. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility's Pressure Plane No. 2 (Ripple) had 360 connections requiring a total storage capacity of 72,000 gallons. However, only 70,000 gallons of storage tank capacity were provided, indicating a 3% deficiency;
 - f. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility's Pressure Plane No. 3 (Birch) had 297 connections requiring a total storage capacity of 59,400 gallons. However, only 30,000 gallons of storage tank capacity were provided, indicating a 49% deficiency;
 - g. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility's Pressure Plane No. 1 (Deanville) had 250 connections requiring a well capacity of 150 gpm. However, only 70 gpm of well capacity were provided, indicating a 53% deficiency;
 - h. Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane. Specifically, Pressure Plane No. 2 (Ripple) had 360 service connections requiring a total service pump capacity of 720 gpm. However, only 700 gpm of service pump capacity were provided, indicating a 3% deficiency;
 - i. Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane. Specifically, Pressure Plane No. 3 (Birch) had 297 service connections requiring a total service pump capacity of 594 gpm. However, only 500 gpm of service pump capacity were provided, indicating a 16% deficiency;
 - j. Failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane. Specifically, Pressure Plane No. 4 (Standpipe) had 157 service connections requiring a total service pump capacity of 314 gpm. However, only 300 gpm of service pump capacity were provided, indicating a 4% deficiency;
 - k. 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 No. 3 (Birch) had 297 connections, requiring 5,940 gallons of pressure tank capacity. However, only 5,700 gallons were provided, indicating a 4% deficiency;
 - l. 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 No. 4 (Standpipe) had 157 connections, requiring 3,140 gallons of pressure tank capacity. However, only 3,000 gallons were provided, indicating a 4% deficiency; and
 - m. Failed to review and update, as appropriate, the drought contingency plan at least every five years. Specifically, the current drought contingency plan was last updated in January 2004.
3. The Executive Director recognizes that Respondent began maintaining a minimum disinfection residual of 0.2 mg/L through the Facility's distribution system at all times, as of September 15, 2022 (Conclusion of Law No. 2).

4. The Executive Director filed the “Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Deanville Water Supply Corporation” (the “EDFARP”) in the TCEQ Chief Clerk’s office on June 4, 2024.
5. By letter dated June 4, 2024, sent to Respondent’s last known addresses via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. According to the return receipt “green cards,” Respondent received notice of the EDFARP on June 6, 2024, as evidenced by the signatures on the cards.
6. More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 11, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to maintain a minimum disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4).
3. As evidenced by Finding of Fact No. 2.b., 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).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to ensure that all clearwells, GSTs, standpipes, and elevated storage tanks are painted, disinfected, and maintained in strict accordance with current AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to develop and maintain an up-to-date chemical and microbiological monitoring plan at each water treatment plant that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the PWS will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.c.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide a total storage capacity of 200 gallons per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide a total storage capacity of 200 gallons per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(ii).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to provide a well capacity of 0.6 gpm per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.f.

10. As evidenced by Finding of Fact No. 2.i., Respondent failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.f.
11. As evidenced by Finding of Fact No. 2.j., Respondent failed to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c), 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii), and TCEQ Agreed Order Docket No. 2019-1789-PWS-E, Ordering Provision No. 2.f.
12. As evidenced by Finding of Fact No. 2.k., 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 TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv).
13. As evidenced by Finding of Fact No. 2.l., 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 TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv).
14. As evidenced by Finding of Fact No. 2.m., Respondent failed to review and update, as appropriate, the drought contingency plan at least every five years, in violation of 30 TEX. ADMIN. CODE § 288.20(c).
15. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by TEX. WATER CODE § 11.0842, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.104(b)(1).
16. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. WATER CODE § 11.0842, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 11.0842, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
17. Pursuant to TEX. WATER CODE § 11.0842(a) and TEX. HEALTH & SAFETY CODE § 341.049(a), the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
18. An administrative penalty in the amount of \$25,375 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 11.0842(a) and TEX. HEALTH & SAFETY CODE § 341.049(a).
19. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$25,375 for violations of state statutes and rules of the TCEQ. The payment of this penalty and 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 which are not raised here.

2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Deanville Water Supply Corporation; Docket No. 2022-1593-MLM-E" to:

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

3. Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order, review and update the drought contingency plan, as appropriate, in accordance with 30 TEX. ADMIN. CODE § 288.20 (Conclusion of Law No. 14);
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision No. 3.a.;
 - c. Within 60 days after the effective date of this Order, develop and maintain a 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 (Conclusion of Law No. 5);
 - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision No. 3.c.; and
 - e. Within 90 days after the effective date of this Order:
 - i. Ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings are thoroughly tight against leakage, including the leaking standpipe for Plant No. 4, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Conclusion of Law No. 3); and
 - ii. Recoat the exterior of the standpipe for Plant No. 4 and ensure that the coating is no longer sloughing off, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Conclusion of Law No. 4);
 - f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision Nos. 3.e.i. and 3.e.ii.; and
 - g. Within 180 days after the effective date of this Order:
 - i. Provide a total storage capacity of 200 gallons per connection for Pressure Plane Nos. 2 (Ripple) and 3 (Birch), in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law Nos. 6 and 7);
 - ii. Provide a well capacity of 0.6 gpm per connection for Pressure Plane No. 1 (Deanville), in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 8);
 - iii. Provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service,

whichever is less, at each pump station or pressure plane for Pressure Plane Nos. 2 (Ripple), 3 (Birch), and 4 (Standpipe), in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law Nos. 9, 10, and 11); and

- iv. Provide an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of at least 20 gallons per connection for Pressure Plane Nos. 3 (Birch) and 4 (Standpipe), in accordance with 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law Nos. 12 and 13);
- h. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision Nos. 3.g.i. through 3.g.iv.; and
- i. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

The certification shall be submitted to:

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

with copies to:

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

and:

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

- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what

constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 Tex. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF CYNTHIA K. SIROIS

“On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of DEANVILLE WATER SUPPLY CORPORATION’ (the “EDFARP”) was filed in the TCEQ Chief Clerk’s office on June 4, 2024.

The EDFARP was mailed to Respondent's last known addresses on June 4, 2024, via certified mail, return receipt requested, postage prepaid. According to the return receipt “green cards,” Respondent received notice of the EDFARP on June 6, 2024, as evidenced by the signatures on the cards.

More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing.”

"My name is Cynthia K. Sirois, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.”

Executed in Travis County,

State of Texas,

on the 13th day of August, 2024

Cynthia K Sirois

Declarant