

Executive Summary – Enforcement Matter – Case No. 64413
SHELBYVILLE WATER SUPPLY CORPORATION
RN101452027
Docket No. 2023-1011-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Shelbyville WSC, 55055 Texas State Highway 87 in Shelbyville, Shelby 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: March 14, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,379

Total Paid to General Revenue: \$1,379

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 25, 2023

Date(s) of NOE(s): July 21, 2023

Violation Information

1. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids [30 TEX. ADMIN. CODE § 290.46(m)(4)].

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SHELBYVILLE WATER SUPPLY CORPORATION
RN101452027
Docket No. 2023-1011-PWS-E

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 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) and (f)(3)(B)(v)].
4. Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition [30 TEX. ADMIN. CODE § 290.46(m)(6)].
5. Failed to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent [30 TEX. ADMIN. CODE § 290.42(b)(2)(C)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On June 9, 2023, records of the BPA test at 148 County Road 3012 were provided;
- b. On June 14, 2023, 16-mesh or finer, corrosion-resistant screening material was placed on the open vent pipes on the ozone generator;
- c. On June 28, 2023, the generator at Plant No. 1 was repaired;
- d. On July 6, 2023, the service pump at Plant No. 2 was back in service; and
- e. On September 14, 2023, the leak at the fire hydrant on Farm-to-Market Road 2694 was repaired.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 60 days, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing or replacing the ozone generator; and
- b. Within 75 days, submit written certification to demonstrate compliance with a.

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RN101452027
Docket No. 2023-1011-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ilia Perez-Ramirez, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 767-3743; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Jim Carter, President, SHELBYVILLE WATER SUPPLY CORPORATION, P.O.
Box 297, Shelbyville, Texas 75973

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-Jul-2023	PCW	4-Aug-2023	Screening	3-Aug-2023	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	SHELBYVILLE WATER SUPPLY CORPORATION		
Reg. Ent. Ref. No.	RN101452027		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	64413	No. of Violations	5
Docket No.	2023-1011-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ilia Perez-Ramirez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,100
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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	\$440
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Notes: Enhancement for two agreed orders containing 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	-\$161
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$340
Estimated Cost of Compliance \$4,745

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,379
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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	\$1,379
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,379
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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	\$1,379
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Screening Date	3-Aug-2023	Docket No.	2023-1011-PWS-E	PCW
Respondent	SHELBYVILLE WATER SUPPLY CORPORATION			Policy Revision 5 (January 28, 2021)
Case ID No.	64413			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101452027			
Media	Public Water Supply			
Enf. Coordinator	Ilia Perez-Ramirez			

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	3-Aug-2023	Docket No.	2023-1011-PWS-E	PCW
Respondent	SHELBYVILLE WATER SUPPLY CORPORATION	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	64413	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101452027			
Media	Public Water Supply			
Enf. Coordinator	Ilia Perez-Ramirez			
Violation Number	1			
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 and free of excessive solids. Specifically, the fire hydrant on Farm-to-Market Road 2694 was leaking due to a broken brass cap fitting.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%
Failure to maintain the fire hydrant 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	Number of violation days	70
	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="margin-bottom: 2px;">daily</div> <div style="margin-bottom: 2px;">weekly</div> <div style="margin-bottom: 2px;">monthly</div> <div style="margin-bottom: 2px;">quarterly</div> <div style="margin-bottom: 2px;">semiannual</div> <div style="margin-bottom: 2px;">annual</div> <div>single event</div> </div>		
		x	
Violation Base Penalty			\$250

One quarterly event is recommended, calculated from the May 25, 2023 investigation date to the August 3, 2023 screening date.

Good Faith Efforts to Comply

	10.0%		Reduction	\$25
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary		x		
N/A				
Notes	The Respondent achieved compliance on September 14, 2023.			
Violation Subtotal				\$225

Economic Benefit (EB) for this violation

Statutory Limit Test	
Estimated EB Amount	\$93
Violation Final Penalty Total	\$325
This violation Final Assessed Penalty (adjusted for limits)	\$325

Economic Benefit Worksheet

Respondent SHELBYVILLE WATER SUPPLY CORPORATION
Case ID No. 64413
Reg. Ent. Reference No. RN101452027
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)	\$500	15-Jan-2021	14-Sep-2023	2.66	\$4	\$89	\$93
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to repair the leak at the facility, calculated from the date of the investigation initially documenting the violation 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 \$93

Screening Date 3-Aug-2023 Respondent SHELBYVILLE WATER SUPPLY CORPORATION Case ID No. 64413 Reg. Ent. Reference No. RN101452027 Media Public Water Supply Enf. Coordinator Ilia Perez-Ramirez	Docket No. 2023-1011-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
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, the ozone generator and the electrical generator at Plant No. 1 were not functioning.	

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%

	Adjustment	\$4,850
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	\$150
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Violation Events

Number of Violation Events	2	70	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event	x					

Two single events are recommended.	
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Good Faith Efforts to Comply

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

Violation Subtotal	\$300
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Economic Benefit (EB) for this violation

	\$230	
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Statutory Limit Test

	\$420	
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This violation Final Assessed Penalty (adjusted for limits)	\$420
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Economic Benefit Worksheet

Respondent SHELBYVILLE WATER SUPPLY CORPORATION
Case ID No. 64413
Reg. Ent. Reference No. RN101452027
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)	\$1,000	22-Apr-2022	29-Jun-2025	3.19	\$11	\$213	\$224
Other (as needed)	\$1,000	25-May-2023	28-Jun-2023	0.09	\$0	\$6	\$6
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 or replace the ozone generator at Plant No. 1, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

The delayed cost includes the estimated amount to repair or replace the electrical generator at Plant No. 1, calculated from the date of the investigation documenting the violation 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

\$2,000

TOTAL

\$230

Screening Date 3-Aug-2023 Respondent SHELBYVILLE WATER SUPPLY CORPORATION Case ID No. 64413 Reg. Ent. Reference No. RN101452027 Media Public Water Supply Enf. Coordinator Ilia Perez-Ramirez	Docket No. 2023-1011-PWS-E Base Penalty \$5,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	Rule Cite(s)	
		30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(B)(v)	
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, the records of backflow prevention device programs were not maintained on-site for review.	

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events	1	15	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

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Reduction \$12
Extraordinary			
Ordinary	x		
N/A			
Notes		The Respondent achieved compliance on June 9, 2023.	
Violation Subtotal			\$38

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test	
		Violation Final Penalty Total	\$58
		This violation Final Assessed Penalty (adjusted for limits)	\$58

Economic Benefit Worksheet

Respondent SHELBYVILLE WATER SUPPLY CORPORATION
Case ID No. 64413
Reg. Ent. Reference No. RN101452027
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	\$45	25-May-2023	9-Jun-2023	0.04	\$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
The delayed cost includes the estimated amount to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, calculated from the date of the investigation to the date of compliance.							
Notes for DELAYED costs							

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 \$0

Screening Date 3-Aug-2023 Respondent SHELBYVILLE WATER SUPPLY CORPORATION Case ID No. 64413 Reg. Ent. Reference No. RN101452027 Media Public Water Supply Enf. Coordinator Ilia Perez-Ramirez	Docket No. 2023-1011-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	4	Rule Cite(s)		
		30 Tex. Admin. Code § 290.46(m)(6)		
Violation Description	Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, one of the two service pumps at Plant No. 2 was not functioning.			
			Base Penalty	\$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification				
	Major	Moderate	Minor		
				Percent 0.0%	
Failure to maintain all pumps at the Facility in good working 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
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Violation Events

Number of Violation Events	1	42	Number of violation days
daily			
weekly			
monthly			
quarterly	x		
semiannual			
annual			
single event			
One quarterly event is recommended.			
Violation Base Penalty		\$250	

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance on July 6, 2023.	
Violation Subtotal		\$188

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$16
Violation Final Penalty Total	\$288
This violation Final Assessed Penalty (adjusted for limits)	
\$288	

Economic Benefit Worksheet

Respondent SHELBYVILLE WATER SUPPLY CORPORATION
Case ID No. 64413
Reg. Ent. Reference No. RN101452027
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)	\$2,000	25-May-2023	6-Jul-2023	0.12	\$1	\$15	\$16
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 or replace the service pump at Plant No. 2, 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	\$2,000	TOTAL	\$16
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Screening Date 3-Aug-2023 Respondent SHELBYVILLE WATER SUPPLY CORPORATION Case ID No. 64413 Reg. Ent. Reference No. RN101452027 Media Public Water Supply Enf. Coordinator Ilia Perez-Ramirez	Docket No. 2023-1011-PWS-E Base Penalty \$5,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	5	
Rule Cite(s)	30 Tex. Admin. Code § 290.42(b)(2)(C)	
Violation Description	Failed to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent. Specifically, the ozone generator had two open vent pipes that were not covered by 16-mesh or finer corrosion-resistant material.	

Base Penalty		\$5,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification				
	Major	Moderate	Minor		
					Percent 0.0%
Failure to provide appropriate protection for the drinking water exposed to atmospheric contamination 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
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Violation Events

Number of Violation Events	1	20	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 May 25, 2023 investigation date to the June 14, 2023 compliance date.			

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance on June 14, 2023.	
Violation Subtotal		\$188

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$1	Violation Final Penalty Total \$288
This violation Final Assessed Penalty (adjusted for limits) \$288	

Economic Benefit Worksheet

Respondent SHELBYVILLE WATER SUPPLY CORPORATION
Case ID No. 64413
Reg. Ent. Reference No. RN101452027
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)	\$200	25-May-2023	14-Jun-2023	0.05	\$0	\$1	\$1
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 cover on the ends of the two vent pipes on the ozone generator with a 16-mesh or finer, corrosion-resistant screening material or an acceptable equivalent, 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 \$200

TOTAL \$1



Compliance History Report

Compliance History Report for CN600635114, RN101452027, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600635114, SHELBYVILLE WATER SUPPLY CORPORATION **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101452027, SHELBYVILLE WSC **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 55055 TEXAS STATE HIGHWAY 87 IN SHELBYVILLE, SHELBY COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2100014

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: January 02, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 02, 2020 to January 02, 2025

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

Name: Ilia Perez-Ramirez

Phone: (512) 239-2556

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: 02/02/2021 ADMINORDER 2020-0324-MLM-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)
Description: Failure to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards and is readily accessible outside the Facility's two chlorinator rooms and immediately available to the operator in the event of an emergency.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, the well meter at Well No. 1 was leaking.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
Description: Failure to provide adequate containment facilities for the Facility's liquid chemical storage tanks. Specifically, secondary containment structures were not in place for the liquid ammonium sulfate ("LAS") storage containers at Well Nos. 1 and 2.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: Failure to ensure that wellheads and pump bases are sealed by a gasket or sealing compound and properly vented with a well casing vent 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, a 16-mesh or finer corrosion-resistant screen was not provided on the well casing vent of Well No. 1.
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
Classification: Minor

Description: Failure to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent. Specifically, the top vent was discharging air rather than drawing in air in the chlorinator room at Well No. 2.

Classification: Minor

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

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at Well No. 1, the pressure tank had mold on the exterior, and excessive vegetation was covering the intruder-resistant fence.

Classification: Minor

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

Description: Failure to maintain pressure tank in good condition.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)

Description: Failure to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)

Description: Failure to ensure that all chemicals and any additional or replacement process media used in treatment of water supplied by public water systems conform to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 for Drinking Water System Components. Specifically, the air compressor lubricant used for air injection into the pressure tanks was not food grade.

Classification: Minor

Citation: 30 TAC Chapter 288, SubChapter B 288.20(a)

Description: Failure to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier. Specifically, the plan lacked the public education information.

Classification: Minor

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

Description: Failure to provide the Executive Director with a list of all the operators and operating companies that the public water system uses on an annual basis

Classification: Minor

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

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to maintain an accurate and 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. Specifically, the monitoring plan did not include a correct and updated lab accreditation form.

Classification: Minor

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

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(II)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each day, the amount of water distributed each day, disinfectant monitoring results from the distribution system, and the results of inspections for all water storage and pressure maintenance facilities were not available for review.

Classification: Major

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

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failure to use a water works operator who holds an applicable, valid license issued by the Executive Director. Specifically, an operator with an expired license was performing disinfection procedures, obtaining chlorine distribution residuals, and collecting microbiological samples.

2 Effective Date: 07/13/2021 ADMINORDER 2020-1505-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

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

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a minimum total chlorine residual of 0.5 milligrams per liter (mg/L).

Classification: Minor

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

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ix)

Description: Failure to properly maintain water works operation and maintenance records and make them available

for review to the Executive Director upon request. Specifically, records of the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation, the dates that dead-end mains were flushed, and free and total chlorine, monochloramine, ammonia, nitrite, and nitrate monitoring results were not available.

Classification: Moderate

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

Description: Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can easily be located during emergencies.

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 1/2/2020 and 1/2/2025

1	Date:	12/04/2019	(1626127)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
			30 TAC Chapter 290, SubChapter F 290.115(f)(1)		
	Description:		TTHM LRAA MCL 3Q2019 - During the 3rd quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.125 mg/L at FM 417 E 8343 (DBP2-01) and of .115 mg/L at FV on CR 2010, Center (DBP2-02).		
2	Date:	01/22/2020	(1626127)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
			30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)		
			30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:		TTHM DBP2 MCL PN 3Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the 3rd quarter of 2019.		
3	Date:	01/28/2020	(1626127)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
			30 TAC Chapter 290, SubChapter F 290.115(f)(1)		
	Description:		TTHM LRAA MCL 4Q2019 - During the 4th quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.173 mg/L at FM 417 E 8343 (DBP2-01) and of .167 mg/L at FV on CR 2010, Center (DBP2-02).		
4	Date:	07/08/2020	(1652327)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
			30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)		
	Description:		Failure by Shelbyville WSC to maintain a minimum total chlorine residual of 0.5 milligrams per liter (mg/L).		
5	Date:	03/15/2021	(1701496)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
			30 TAC Chapter 290, SubChapter D 290.46(m)		
	Description:		Failure by Shelbyville WSC to maintain the plant equipment in good working condition.		
	Self Report?	NO		Classification:	Minor
	Citation:				
			30 TAC Chapter 290, SubChapter D 290.46(m)		
	Description:		Failure by Shelbyville WSC to ensure the good working condition and general appearance of the system's facilities and equipment.		
6	Date:	12/15/2021	(1771518)		
	Self Report?	NO		Classification:	Minor
	Citation:				
			30 TAC Chapter 290, SubChapter D 290.46(f)(2)		
	Description:		Failure by Shelbyville WSC to have operating records available to the		
			executive director upon request.		
	Self Report?	NO		Classification:	Minor
	Citation:				

Description: 30 TAC Chapter 290, SubChapter D 290.46(n)
Failure by Shelbyville WSC to have a copy of the distribution map available to the executive director upon request.

7 Date: 06/21/2022 (1811871)

Self Report? NO Classification: Moderate
Citation:

Description: 30 TAC Chapter 290, SubChapter D 290.46(m)
Failure by Shelbyville Water Supply Corporation (WSC) to maintain the plant equipment in good working condition.

Self Report? NO Classification: Major
Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)
Failure by Shelbyville Water Supply Corporation (WSC) to maintain the disinfection residual above 0.50 milligrams per liter (mg/L) total chlorine throughout distribution.

Self Report? NO Classification: Minor
Citation:

Description: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
Failure by Shelbyville Water Supply Corporation (WSC) to have operating records accessible for review upon request.

8 Date: 10/14/2022 (1841172)

Self Report? NO Classification: Minor
Citation:

Description: 30 TAC Chapter 290, SubChapter D 290.46(l)
Failure by Shelbyville WSC to maintain records of monthly dead end flushing activities.

9 Date: 10/21/2022 (1841465)

Self Report? NO Classification: Moderate
Citation:

Description: 30 TAC Chapter 290, SubChapter D 290.46(m)
Failure by Shelbyville Water Supply Corporation (WSC) to maintain the plant equipment in good working condition.

Self Report? NO Classification: Major
Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)
Failure by Shelbyville Water Supply Corporation (WSC) to maintain the disinfection residual above 0.50 milligrams per liter (mg/L) total chlorine throughout distribution.

Self Report? NO Classification: Minor
Citation:

Description: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
Failure by Shelbyville Water Supply Corporation (WSC) to have operating records accessible for review upon request.

* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B

All Investigations Conducted During Component Period January 02, 2020 and January 02, 2025

Item 1	February 07, 2020**	(1622829)
Item 2	October 19, 2022**	(1841465)
Item 3	July 21, 2023**	(1903657)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SHELBYVILLE WATER SUPPLY
CORPORATION
RN101452027

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

AGREED ORDER DOCKET NO. 2023-1011-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SHELBYVILLE 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 at 55055 Texas State Highway 87 in Shelbyville, Shelby County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 339 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During an investigation at the Facility conducted on May 25, 2023, an investigator documented that:
 - a. The fire hydrant on Farm-to-Market Road 2694 was leaking due to a broken brass cap fitting;
 - b. The ozone generator and the electrical generator at Plant No. 1 were not functioning;
 - c. The records of backflow prevention device programs were not maintained on-site for review;

- d. One of the two service pumps at Plant No. 2 was not functioning; and
 - e. The ozone generator had two open vent pipes that were not covered by 16-mesh or finer, corrosion-resistant material.
3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
- a. On June 9, 2023, records of the BPA test at 148 County Road 3012 were provided;
 - b. On June 14, 2023, 16-mesh or finer, corrosion-resistant screening material was placed on the open vent pipes on the ozone generator;
 - c. On June 28, 2023, the generator at Plant No. 1 was repaired;
 - d. On July 6, 2023, the service pump at Plant No. 2 was back in service; and
 - e. On September 14, 2023, the leak at the fire hydrant on Farm-to-Market Road 2694 was repaired.

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 maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
- 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 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) and (f)(3)(B)(v).
- 5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(6).
- 6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(2)(C).

7. 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.
8. An administrative penalty in the amount of \$1,379 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 the \$1,379 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 8 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: Shelbyville Water Supply Corporation, Docket No. 2023-1011-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 60 days after the effective date of this Order, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing or replacing the ozone generator, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 75 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed,

substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

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 OAG 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 OAG 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)
Authorized Representative of
Shelbyville Water Supply Corporation

Title

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

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