Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: MLM – PWS, WR **Small Business:** No Location(s) Where Violation(s) Occurred: The Cliffs, 8615 Texas Highway 16, Graford, Palo Pinto 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: November 1, 2024 Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,199 Amount Deferred for Expedited Settlement: \$3,639 Total Paid to General Revenue: \$14,560 Total Due to General Revenue: \$0 Payment Plan: N/A Compliance History Classifications: Person/CN - Satisfactory Site/RN - High Major Source: WR: No; PWS: Yes 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: January 29, 2024 Date(s) of NOE(s): February 2, 2024

Violation Information

1. Failed to calibrate the Facility's benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii)].

2. Failed to calibrate the Facility's two on-line turbidimeters with primary standards at least once every 90 days and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii) and (s)(2)(B)(iv)].

3. Failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, the Respondent did not notify the Executive Director prior to utilizing polymer ahead of the pressure filters, adding two 30-micron cartridge filters after the pressure filters, and changing the two 5-micron cartridge filters before the reverse osmosis units to one 1-micron cartridge filter [30 TEX. ADMIN. CODE § 290.39(j) and TEX. HEALTH & SAFETY CODE § 341.0351].

4. Failed to flush all dead-end mains at monthly intervals. Specifically, the Respondent was flushing at hydrants near the dead ends instead of at all dead-end mains [30 Tex. ADMIN. CODE § 290.46(l)].

5. Failed to collect routine distribution coliform samples at a customer's premise, dedicated sampling station, or other designated compliance sampling location at active service connections which are representative of water quality throughout the distribution system. Specifically, the sampling locations were not equally distributed throughout the distribution system as there were no bacteriological sampling locations on the southern part of the sampling map [30 TEX. ADMIN. CODE § 290.109(d)(1)(A)].

6. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the monitoring locations were not equally distributed throughout the distribution system as there were no disinfectant monitoring locations on the southern part of the sampling map [30 Tex. ADMIN. CODE § 290.110(c)(4)(C)].

7. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the on-line turbidity monitoring results and exception reports for individual filters, the results of inspections for all water storage and pressure maintenance facilities, the results of inspections for all pressure filters, and the previous one and a half years of Customer Service Inspection reports were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(C)(iv), (f)(3)(D)(ii), (f)(3)(D)(iii), and (f)(3)(E)(iv)].

8. Failed to ensure that the Facility has at least one Class "C" or higher surface water operator on duty when it is in operation or that the Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Facility is not staffed. Specifically, the plant does not automatically shutdown if an alarm is triggered and there are no operators on-site overnight [30 TEX. ADMIN. CODE § 290.46(e)(6)(C)].

9. 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, five of the six pressure filters were leaking from their effluent lines [30 TEX. ADMIN. CODE § 290.46(m)(4)].

10. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].

11. Failed to install water transmission and distribution lines below the frost line and in no case less than 24 inches below the ground surface. Specifically, the raw water transmission line and distribution line leaving the plant were sitting above ground [30 Tex. ADMIN. CODE § 290.44(a)(4)].

12. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference [30 Tex. ADMIN. CODE § 290.42(l)].

13. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, BPAs at the restaurant, the marina, the marina ice machine, and the wastewater treatment plant were not being tested on an annual basis [30 Tex. ADMIN. CODE § 290.44(h)(4)].

14. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier [30 Tex. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B), and Tex. WATER CODE § 11.1272(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures by February 1, 2024:

a. Began collecting routine distribution coliform samples at a customer's premise, dedicated sampling station, or other designated compliance sampling location at active service connections which are representative of water quality throughout the distribution system;

b. Began monitoring the disinfectant residual at representative locations throughout the distribution system at least once per day;

c. Made the results of inspections for all water storage and pressure maintenance facilities and Customer Service Inspection reports readily available for review by the Executive Director;

d. Adopted an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted;

e. Adopted a drought contingency plan which includes all elements for municipal use by a retail public water supplier; and

f. Compiled and maintained a thorough and up-to-date plant operations manual for operator review and reference.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the results of pressure filter inspections and online turbidity monitoring results and exception reports for individual filters;

ii. Calibrate the benchtop turbidimeter with primary standards and check the calibration with secondary standards each time a series of samples is tested. This provision will be satisfied upon one month of compliant monitoring;

iii. Calibrate the two on-line turbidimeters with primary standards and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit at least once every week. This provision will be satisfied upon one month of compliant monitoring; and

iv. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels. This provision will be satisfied upon three months of consecutive compliant monthly flushing.

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

c. Within 60 days:

i. Repair the automatic plant shutdown and alarms at the Facility;

ii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to the five pressure filters that were leaking from their effluent lines; and

iii. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the BPAs at the restaurant, the marina, the marina ice machine, and the wastewater treatment plant.

d. Within 75 days, submit written certification to demonstrate compliance with a.ii., a.iii., and c.

e. Within 90 days, ensure that all water transmission and distribution lines are located below the frost line and in no case less than 24 inches below the ground surface.

f. Within 105 days, submit written certification to demonstrate compliance with e.

g. Within 135 days, submit written certification to demonstrate compliance with a.iv.

h. Within 180 days, submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to utilizing polymer ahead of the pressure filters, adding two 30-micron cartridge filters after the pressure filters, and changing the two 5-micron cartridge filters before the reverse osmosis units to one 1-micron cartridge filter.

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

j. Within 270 days, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director.

k. Within 285 days, submit written certification to demonstrate compliance with j.

Contact Information

TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Kaisie Hubschmitt, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1482; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 Respondent: Jeffrey McIntyre, President, MIDWAY WATER UTILITIES, INC., 2150 Town Square Place, Suite 400, Sugar Land, Texas 77479 Respondent's Attorney: N/A

| COMMISSION COMMISSION | Policy Re | Pe evision 5 (January 28 | • | alculatio | n Worksl | heet (PC | - | vision February | / 11, 2021 |
|-----------------------|--|-----------------------------|----------------|-------------------------------------|----------------------------------|---------------|------------------------------|-----------------|-----------------------------|
| DATES | Assigned | 5-Feb-2024 | | | | | | | |
| | PCW | 26-Feb-2024 | Screening | 7-Feb-2024 | EPA Due | | | | |
| RESPO | NDENT/FACILI | | | | | | | | |
| Dec | Respondent g. Ent. Ref. No. | MIDWAY WATER | UTILITIES, | INC. (PCW No. 3 | L of 2) | | | | |
| | ty/Site Region | | orth | | Major/N | linor Source | Major | | - |
| | | , | | | | | | | |
| | NFORMATION f./Case ID No. | 65399 | | | No | of Violations | 13 | | 1 |
| | Docket No. | 2024-0215-MLM | | | | Order Type | | | |
| Med | lia Program(s) | | ply | | | t/Non-Profit | | | |
| | Multi-Media | water Rights | | | Ent. | | Kaisie Hubsch Enforcement | | - |
| Adr | nin. Penalty \$ L | imit Minimum. | \$50 | Maximum | \$5,000 | | | | 4 |
| | | | | | | | | | |
| | | | | ty Calcula | | on | | | |
| ΤΟΤΑΙ | L BASE PENA | LTY (Sum of | violation | base penalt | ties) | | Subtotal 1 | | \$16,800 |
| ADJUS | STMENTS (+, | /-) TO SUBTO | DTAL 1 | | | | | | |
| | Subtotals 2-7 are ob Compliance His | tained by multiplying | the Total Base | Penalty (Subtotal 1 30.0% |) by the indicated Adjustment | | tals 2, 3, & 7 | | \$5,040 |
| | compliance in | | for five NOV | s with dissimilar | · · · · · · | | | | ¥3,040 |
| | Notes | Ennancement | | aining a denial of | | one agreed | | | |
| | l | | | | · · · · · · | |] | | |
| | Culpability | No | | 0.0% | Enhancement | | Subtotal 4 | | \$0 |
| | Notes | The Re | spondent do | es not meet the | culpability crit | eria. | | | |
| | | | • | | · , | |] | | |
| | Good Faith Eff | ort to Comply T | otal Adjust | ments | | | Subtotal 5 | | -\$874 |
| | | | otur /tujuot | | | | Dubtotur D | | <i>407</i> 1 |
| | Economic Bene | efit | | 0.0% | Enhancement* | | Subtotal 6 | | \$0 |
| | | Total EB Amounts | \$1,197 | | at the Total EB \$ | Amount | | | , , - |
| | Estimated | Cost of Compliance | \$6,783 | _ | | | | | |
| SUM C | OF SUBTOTAI | LS 1-7 | | | | E | inal Subtotal | 9 | \$20,966 |
| OTUE | | | | | 45.84 | | | | #2 102 |
| | R FACTORS A or enhances the Final | | | | -15.2% | | Adjustment | | -\$3,192 |
| | | Enhancement to | | | | |] | | |
| | Notes | | | ded reduction to stment caused b | • | | | | |
| | | | | r to the change i | | | | | |
| | I | | | | · · · | Final Pen | alty Amount | 9 | \$17,774 |
| CTATI | | | | | | | | | 17 774 |
| STAT | UTORY LIMIT | ADJUSTMEN | | | | Final Asse | ssed Penalty | | \$17,774 |
| DEFEF | RRAL | | | | 20.0% | Reduction | Adjustment | | -\$3,554 |
| Reduces t | he Final Assessed Pe | nalty by the indicated | l percentage. | | | | 1 | | |
| | Notes | Г | Deferral offer | ed for expedited | settlement | | | | |
| | | | | | | |] | | |
| | | - | | | | | • | | |
| PAYA | BLE PENALT | | | | | | | 9 | \$14,220 |

| | 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 | 5 | 10% | |
| | | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 1 | 20% | |
| | Orders | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% | |
| | Judgments and Consent | 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 (number of events) | 0 | 0% | |
| | Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% | |
| | Addits | 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% | |
| | | | | | |
| | | Environmental management systems in place for one year or more | No | 0% | |
| | Other | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% | |
| | | Participation in a voluntary pollution reduction program | No | 0% | |
| | | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% | |
| | | Adjustment Per | centage (Sub | total 2) | 30% |
| >> R | epeat Violator | (Subtotal 3) | | | |
| | No | Adjustment Per | centage (Sub | total 3) | 0% |
| >> C | | ory Person Classification (Subtotal 7) | contago (Sub | total 7) | 00/- |
| | Satisfactory | | centaye (SUD | | 0% |
| // (| omphance rist | ory Summary | | | |
| | Compliance History Notes | Enhancement for five NOVs with dissimilar violations and one agreed order contain liability. | ning a denial of | | |
| | | Total Compliance History Adjustment Percentage (S | Subtotals 2, | 3, & 7) | 30% |
| >> Fir | iai compliance | History Adjustment Final Adjustment Percente | age *capped a | at 100% | 30% |
| | | | | | |

Screening Date 7-Feb-2024 **Docket No.** 2024-0215-MLM-E Respondent MIDWAY WATER UTILITIES, INC. (PCW No. 1 of 2) **Case ID No.** 65399

Reg. Ent. Reference No. RN101265213

Media Public Water Supply

Enf. Coordinator Kaisie Hubschmitt

Component Number of...

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

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Adjust.

Number

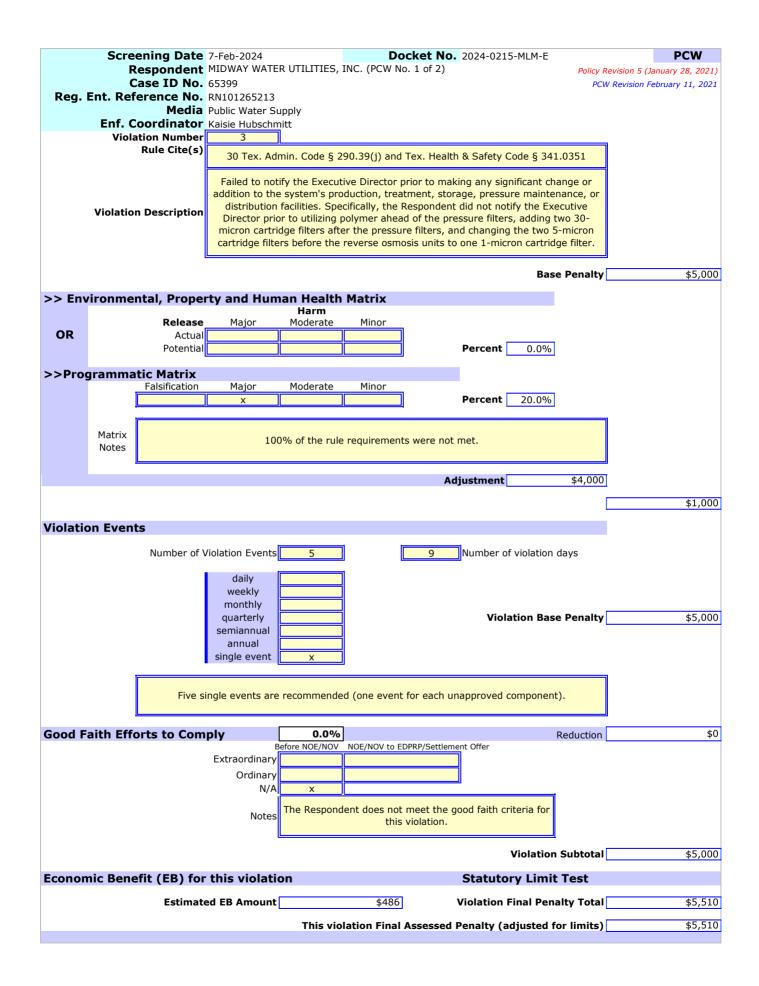
PCW

| | | ening Date | | | | 10. 2024-021 | 5-MLM-E | | | PCW |
|---------|-----------------|-------------------------|-------------------------|-----------------|---|---------------------|---------------|------------|------------|------------------|
| | | espondent ase ID No. | | R UTILITIES, I | INC. (PCW No. 1 of | 2) | | | | anuary 28, 2021) |
| Reg. | | | RN101265213 | | | | | PCV | Revision F | ebruary 11, 2021 |
| | | Media | Public Water Su | | | | | | | |
| | | oordinator | Kaisie Hubschm | nitt | | | | | | |
| | VIOIA | | | | | | | | | |
| | | Rule Cite(s) | 30 . | Tex. Admin. C | Code § 290.46(s)(2) | (B)(i) and (s)(| (2)(B)(ii) | | | |
| | | | Failed to calib | rate the Facili | ty's benchtop turbic | limeter with p | rimary stan | dards at | | |
| | Violatio | n Description | least once ever | | d check the calibrat a series of samples | | dary standa | ards each | | |
| | | | | | | | Base | e Penalty | | \$5,000 |
| | | | | | N4 - 1 | | | | | 1-7 |
| >> Env | vironme | ntal, Prope | rty and Hum | Harm | Matrix | | | | | |
| | | Release | Major | Moderate | Minor | | | | | |
| OR | | Actual Potential | | | | Percent | 15.0% | | | |
| | | rotentia | | X | | rercent | 13.070 | | | |
| >>Pro | gramma | tic Matrix | Maian | Madauata | Minou | | | | | |
| | | Falsification | Major | Moderate | Minor | Percent | 0.0% | | | |
| | | | | ' | | | | | | |
| | Motrix | Failure to cali | brate the benchi | top turbidimet | ter could cause inac | curate data co | llection and | d prevent | | |
| | Matrix Notes | | | | expose persons ser d not exceed levels | | | | | |
| | | amoun | | .s which would | I not exceed levels | protective of n | iuman neai | un. | | |
| | | | | | | Adjustment | | \$4,250 | | |
| | | | | | | | | | | \$750 |
| | | | | | | | | | | 4750 |
| Violati | on Event | ts | | | | | | | | |
| | | Number of \ | /iolation Events | 1 | 9 | Number o | f violation (| days | | |
| | | | daily | | | | | | | |
| | | | weekly | | | | | | | |
| | | | monthly | | | | | | | |
| | | | quarterly semiannual | | | Viol | ation Base | Penalty | | \$750 |
| | | | annual | | | | | | | |
| | | | single event | Х | | | | | | |
| | | | | | | | | | | |
| | | | | One single e | event is recommend | ed. | | | | |
| | | | | | | | | | | |
| Good F | aith Effo | orts to Com | | 0.0% | NOE/NOV to EDPRP/Set | ttlement Offer | F | Reduction | | \$0 |
| | | | Extraordinary | | | | | | | |
| | | | Ordinary | | | | | | | |
| | | | N/A | x | | | | | | |
| | | | Notes | The Respond | dent does not meet for this violat | | o criteria | | | |
| | | | L | | | | Violation | Subtotal | | \$750 |
| Econor | nic Bene | efit (EB) for | this violatio | on | | Statuto | ory Limit | | | φ , 50 |
| | | | ed EB Amount | | \$12 | | | | | \$827 |
| | | Estimation | Eu ED AINOUNT | | | Violation | | | | |
| | | | | This viola | tion Final Assess | ed Penalty (a | djusted fo | or limits) | | \$827 |

| | MIDWAY WAT | ER UTILITIES, INC | C. (PCW No. 1 of | 2) | | | |
|--|--|--|--|--|--|--|---|
| Case ID No. | | ,,, | . (| _, | | | |
| eg. Ent. Reference No. | | | | | | | |
| | | | | | | | N |
| | Public Water S | supply | | | | Percent Interest | Years of |
| Violation No. | 1 | | | | | | Depreciation |
| | | | | | | 5.0 | 1 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| Item Description | | | | | | | |
| Delayer d. Consta | | | | | | | |
| Delayed Costs | | <u>и</u> и | | | ± 2 | +0 | +0 |
| 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 |
| | | | | 0.00 | | , | +0 |
| Permit Costs | | | <u></u> | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 2.83 ne estim | \$1 nated amount to ca | n/a alibrate the benchto | \$1 p turbidimeter |
| | The Other (a with primar | s needed) delayed y standards at lea series of samples | l cost includes th st once every 90 is tested, calcula | 2.83 ne estim 0 days a ated from | \$1 nated amount to ca and check the calib | n/a alibrate the benchto pration with seconda investigation initially | \$1 p turbidimeter ary standards |
| Other (as needed) | The Other (a with primar each time a s | s needed) delayed y standards at lea series of samples the | l cost includes th st once every 90 is tested, calcula e violation to the | 2.83 ne estim 0 days a ated from e estima | \$1 nated amount to ca and check the calib m the date of the i ited date of compli | n/a alibrate the benchto pration with seconda investigation initially | \$1 p turbidimeter ary standards / documenting |
| Other (as needed) Notes for DELAYED costs | The Other (a with primar each time a s | s needed) delayed y standards at lea series of samples the | l cost includes th st once every 90 is tested, calcula e violation to the | 2.83 ne estim 0 days a ated from e estima | \$1 nated amount to ca and check the calib m the date of the i ited date of compli | n/a alibrate the benchto pration with seconda investigation initially iance. | \$1 p turbidimeter ary standards / documenting |
| Other (as needed) Notes for DELAYED costs Avoided Costs | The Other (a with primar each time a s | s needed) delayed y standards at lea series of samples the | l cost includes th st once every 90 is tested, calcula e violation to the | 2.83 ne estim 0 days a ated from e estima tering | \$1 nated amount to ca and check the calib m the date of the i ited date of compli item (except for | n/a alibrate the benchto pration with seconda investigation initially iance. one-time avoided | \$1 p turbidimeter ry standards / documenting d costs) |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel | The Other (a with primar each time a s | s needed) delayed y standards at lea series of samples the | l cost includes th st once every 90 is tested, calcula e violation to the | 2.83 De estim 0 days a ated from e estima tering 0.00 | \$1 nated amount to ca and check the calib m the date of the i ited date of compli item (except for \$0 | n/a alibrate the benchto pration with seconda investigation initially iance. one-time avoideo \$0 | \$1 p turbidimeter ry standards / documenting d costs) \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal | The Other (a with primar each time a s | s needed) delayed y standards at lea series of samples the | l cost includes th st once every 90 is tested, calcula e violation to the | 2.83 ne estim 0 days a ated from e estima tering 0.00 0.00 | \$1 nated amount to ca and check the calib m the date of the i nated date of compli- item (except for \$0 \$0 | n/a alibrate the benchto pration with seconda investigation initially iance. | \$1 p turbidimeter ry standards v documenting d costs) \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling | The Other (a with primar each time a s | s needed) delayed y standards at lea series of samples the | l cost includes th st once every 90 is tested, calcula e violation to the | 2.83 ne estim 0 days a ated from e estima tering 0.00 0.00 0.00 | \$1 nated amount to ca and check the calib m the date of the i ited date of compli item (except for \$0 \$0 \$0 | n/a alibrate the benchto pration with seconda investigation initially iance. one-time avoided \$0 \$0 \$0 | \$1 p turbidimeter ny standards y documenting 5 d costs) \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | The Other (a with primar each time a s | s needed) delayed y standards at lea series of samples the | l cost includes th st once every 90 is tested, calcula e violation to the | 2.83 ne estim 0 days a ated from e estima tering 0.00 0.00 0.00 | \$1 nated amount to ca and check the calit m the date of the i ited date of compli item (except for \$0 \$0 \$0 \$0 \$0 | n/a alibrate the benchto pration with seconda investigation initially iance. one-time avoided \$0 \$0 \$0 \$0 \$0 | \$1 p turbidimeter ny standards y documenting 1 costs) \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The Other (a with primar each time a s ANNU | s needed) delayed y standards at lea series of samples the ALIZE avoided c | I cost includes th st once every 90 is tested, calcula e violation to the osts before en | 2.83 ne estimo days a ated from e estimo e estimo tering 0.00 0.00 0.00 0.00 | \$1 ated amount to ca and check the calib m the date of the i ited date of compli- item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a alibrate the benchto pration with seconda investigation initially iance. one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$1 p turbidimeter ry standards v documenting d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The Other (a: with primar each time a s ANNU, standards a standards a | s needed) delayed y standards at lea series of samples the ALIZE avoided c 26-Apr-2022 ed cost includes the at least once event | I cost includes the store every 90 is tested, calculate violation to the osts before en 7-Feb-2024 | 2.83 1 2.83 2 days a ated from 2 estima 2 estima 4 estima 0.00 0 | \$1 nated amount to ca and check the calib m the date of the i item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a alibrate the benchto pration with seconda investigation initially iance. one-time avoidee \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$1 p turbidimeter ry standards / documenting d costs) d costs) d costs) s 0 s 0 |

| | | ening Date espondent | 7-Feb-2024 MIDWAY WATER UTILITIES, | Docket No. 2024-0215-MLM-E INC. (PCW No. 1 of 2) | PCW Policy Revision 5 (January 28, 2021 |
|---------|-----------------|-------------------------|---|--|--|
| | | ase ID No. | | | PCW Revision February 11, 202 |
| Reg. | Ent. Ref | | RN101265213 | | |
| | F 6-0 | | Public Water Supply | | |
| | | oordinator | Kaisie Hubschmitt | | |
| | VIOIA | Rule Cite(s) | | | |
| | | (-) | 30 Tex. Admin. | Code § 290.46(s)(2)(B)(iii) and (s)(2)(B)(iv) | |
| | Violatio | n Description | least once every 90 day secondary standard, or mar by comparing the results | ty's two on-line turbidimeters with primary star rs and check the calibration with a primary stan pufacturer's proprietary calibration confirmation from the on-line unit with the results from a pro- benchtop unit at least once every week. | idard, device or |
| | | | | Base | e Penalty \$5,00 |
| >> En | vironme | ntal, Prope | rty and Human Health | n Matrix | |
| | | Release | Harm | | |
| OR | | Kelease Actual | Major Moderate | Minor | |
| UN | | Potential | | Percent 15.0% | |
| | | | nn | | |
| >>Pro | ogramma | tic Matrix | Madau Madauata | Maran | |
| | 1 | Falsification | Major Moderate | Minor Percent 0.0% | |
| | | | | | |
| | Matrix Notes | detection of | treatment problems and cou | ters could cause inaccurate data collection and Id expose persons served by the Facility to a sig Id not exceed levels protective of human healt | gnificant |
| | | amou | it of contaminants which wo | ind not exceed levels protective of number real | |
| | | | | Adjustment | \$4,250 |
| | | | | | \$75 |
| | | | | | φ , ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, |
| Violati | ion Event | ts | | | |
| | | Number of \ | /iolation Events 2 | 9 Number of violation of | davs |
| | | Number of s | | | 10 y 5 |
| | | | daily |] | |
| | | | weekly | | |
| | | | monthly quarterly | Violation Base | e Penalty \$1,50 |
| | | | semiannual | | Fenalty \$1,50 |
| | | | annual |] | |
| | | | single event x |] | |
| | 1 | | | | |
| | | Тwo | single events are recommer | nded (one event for each on-line turbidimeter). | |
| | | | | | |
| | | | | | |
| Good F | Faith Effo | orts to Com | Before NOE/NOV | | Reduction \$ |
| | | | Extraordinary | | |
| | | | Ordinary | | |
| | | | N/A x | | |
| | | | The Respon | dent does not meet the good faith criteria for | |
| | | | Notes | this violation. | |
| | | | | | |
| | | | | Violation | Subtotal \$1,50 |
| Econor | mic Bene | fit (EB) for | this violation | Statutory Limit | Test |
| | | Estimat | ed EB Amount | \$25 Violation Final Pena | alty Total \$1,65 |
| | | | <u> </u> | | - |
| | | | I his vie | plation Final Assessed Penalty (adjusted fo | or limits) \$1,65 |

| | , MIDWAI WAN | ER UTILITIES, INC | . (PCW No. 1 of | [:] 2) | | | |
|---|---|---|--|--|---|--|---|
| Case ID No. | | , | , | , | | | |
| leg. Ent. Reference No. | | | | | | | |
| | Public Water S | | | | | Percent Interest | Years of |
| Violation No. | 2 | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | • | | | | | |
| - | | | | | | | |
| Delayed Costs | | | | - | | | |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$20 | 26-Apr-2022 | 21-Feb-2025 | 2.83 | \$3 | n/a | \$3 |
| | standards | at least once ever | he estimated an ry 90 days and o | nount to check th | calibrate the on-l ne calibration with | ine turbidimeters w a primary standard, or by comparing the | ith primary , secondary |
| Notes for DELAYED costs | standards standard, or the on-line un | at least once even manufacturer's p it with the results x two turbidimete | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated | nount to check th ation co calibra from th | o calibrate the on-I ne calibration with onfirmation device ted benchtop unit e date of the inves | ine turbidimeters w a primary standard, or by comparing the at least once every tigation initially doc | ith primary , secondary e results from week (\$10 per |
| | standards, standard, or the on-line un turbidimeter | at least once even manufacturer's p it with the results x two turbidimete | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated violation to the e | hount to check th ation co calibra from the estimate | o calibrate the on-l ne calibration with onfirmation device ted benchtop unit e date of the invested date of compliar | ine turbidimeters w a primary standard or by comparing the at least once every tigation initially doc nce. | ith primary , secondary e results from week (\$10 per umenting the |
| Avoided Costs | standards, standard, or the on-line un turbidimeter | at least once even manufacturer's p it with the results x two turbidimete | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated violation to the e | nount to check th ation co calibra from the estimate tering | o calibrate the on-l ne calibration with onfirmation device ted benchtop unit e date of the invest ed date of complian item (except for | ine turbidimeters w a primary standard or by comparing the at least once every tigation initially doc nce. one-time avoided | ith primary , secondary e results from week (\$10 per umenting the d costs) |
| Avoided Costs Disposal | standards, standard, or the on-line un turbidimeter | at least once even manufacturer's p it with the results x two turbidimete | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated violation to the e | nount to check th ation co calibra from the estimate tering 0.00 | calibrate the on-l ne calibration with onfirmation device ted benchtop unit e date of the inves ed date of compliar item (except for \$0 | ine turbidimeters w a primary standard, or by comparing the at least once every tigation initially doc nce. one-time avoided \$0 | ith primary , secondary e results from week (\$10 per umenting the d costs) \$0 |
| Avoided Costs Disposal Personnel | standards, standard, or the on-line un turbidimeter | at least once even manufacturer's p it with the results x two turbidimete | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated violation to the e | nount to check the ation co calibra from the estimate tering 0.00 | calibrate the on-l ne calibration with onfirmation device ted benchtop unit e date of the inves ed date of compliar item (except for \$0 \$0 | ine turbidimeters w a primary standard, or by comparing the at least once every tigation initially doc nce. one-time avoideo \$0 \$0 | th primary , secondary e results from week (\$10 per umenting the d costs) \$0 \$0 |
| Avoided Costs Disposal Personnel Inspection/Reporting/Sampling | standards, standard, or the on-line un turbidimeter | at least once even manufacturer's p it with the results x two turbidimete | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated violation to the e | nount to check th ation co calibra from the estimate tering 0.00 0.00 | calibrate the on-line calibration with onfirmation device ted benchtop unit e date of the inves ed date of compliar item (except for \$0 \$0 \$0 \$0 | ine turbidimeters w a primary standard or by comparing the at least once every tigation initially doc nce. one-time avoided \$0 \$0 \$0 | th primary , secondary e results from week (\$10 per umenting the d costs) \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment | standards, standard, or the on-line un turbidimeter | at least once even manufacturer's p it with the results x two turbidimete | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated violation to the e | rount to check the ation co calibra from the estimate tering 0.00 0.00 0.00 | calibrate the on-l ne calibration with onfirmation device ted benchtop unit e date of the inves ed date of compliar item (except for \$0 \$0 \$0 \$0 \$0 | ine turbidimeters w a primary standard or by comparing the at least once every tigation initially doc ice. one-time avoidee \$0 \$0 \$0 \$0 | th primary , secondary e results from week (\$10 per umenting the s0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance | standards standard, or the on-line un turbidimeter | at least once even manufacturer's p it with the results x two turbidimeter ALIZE avoided c | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated t violation to the e osts before en | to the second se | calibrate the on-l be calibration with onfirmation device ted benchtop unit e date of the invest d date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 | ine turbidimeters w a primary standard or by comparing the at least once every tigation initially doc nce. one-time avoideo \$0 \$0 \$0 \$0 \$0 | th primary , secondary e results from week (\$10 per umenting the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | standards, standard, or the on-line un turbidimeter | at least once even manufacturer's p it with the results x two turbidimete | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated violation to the e | rount to check the ation co calibra from the estimate tering 0.00 0.00 0.00 | calibrate the on-l ne calibration with onfirmation device ted benchtop unit e date of the inves ed date of compliar item (except for \$0 \$0 \$0 \$0 \$0 | ine turbidimeters w a primary standard or by comparing the at least once every tigation initially doc ice. one-time avoidee \$0 \$0 \$0 \$0 | th primary , secondary e results from week (\$10 per umenting the s0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | standards standard, or the on-line un turbidimeter ANNU, S | at least once even manufacturer's p it with the results x two turbidimeter ALIZE avoided c | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated t violation to the e osts before en 7-Feb-2024 | tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0. | calibrate the on-l be calibration with onfirmation device ted benchtop unit e date of the invested date of complian item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | ine turbidimeters w a primary standard, or by comparing the at least once every tigation initially doc nce. one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | ith primary , secondary e results from week (\$10 per umenting the s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | standards standard, or the on-line un turbidimeter ANNU, \$20 \$20 The avoid | at least once ever manufacturer's p it with the results x two turbidimeter ALIZE avoided c ALIZE avoided c ALI | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated t violation to the e osts before en 7-Feb-2024 ne estimated an | tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0. | calibrate the on-l ne calibration with onfirmation device ted benchtop unit e date of the invested date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 calibrate the on-l | ine turbidimeters w a primary standard, or by comparing the at least once every tigation initially doc nce. one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | th primary , secondary e results from week (\$10 per umenting the s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | standards standard, or the on-line un turbidimeter ANNU, standards | at least once ever manufacturer's p it with the results x two turbidimeter ALIZE avoided c ALIZE avoided c ALI | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated t violation to the e osts before en 7-Feb-2024 ne estimated an ry 90 days and o | tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0. | calibrate the on-l ne calibration with onfirmation device ted benchtop unit e date of the inves ed date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 colibrate the on-l ne calibration with | ine turbidimeters w a primary standard, or by comparing the at least once every tigation initially doc nce. one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | th primary , secondary e results from week (\$10 per umenting the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | standards standard, or the on-line un turbidimeter ANNU \$20 The avoid standards standard, or | at least once ever manufacturer's p it with the results x two turbidimete ALIZE avoided c ALIZE avoided c ALIZ | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated t violation to the e osts before en 7-Feb-2024 the estimated an ry 90 days and o roprietary calibr | tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0. | calibrate the on-l ne calibration with onfirmation device ted benchtop unit e date of the inves ed date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 calibrate the on-l ne calibration with onfirmation device | ine turbidimeters w a primary standard, or by comparing the at least once every tigation initially doc nce. one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | th primary , secondary e results from week (\$10 per umenting the s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | standards standard, or the on-line un turbidimeter ANNU, \$20 The avoid standards standard, or the on-line un | at least once even manufacturer's p it with the results * x two turbidimeter ALIZE avoided c ALIZE avoided c alignment 26-Apr-2022 ed cost includes the at least once even manufacturer's p it with the results | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated triolation to the e osts before en 7-Feb-2024 the estimated an ry 90 days and o roprietary calibr from a properly | tering calibrate | calibrate the on-le calibration with onfirmation device ted benchtop unit e date of the invest ed date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 calibrate the on-le calibration with onfirmation device ted benchtop unit | ine turbidimeters w a primary standard or by comparing the at least once every tigation initially doc ice. one-time avoidee \$0 \$0 \$0 \$0 \$0 \$0 a \$0 a \$0 a \$0 a \$0 a | ith primary , secondary e results from week (\$10 per umenting the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | standards standard, or the on-line un turbidimeter ANNU, \$20 The avoid standards standard, or the on-line un | at least once even manufacturer's p it with the results * x two turbidimeter ALIZE avoided c ALIZE avoided c alignment 26-Apr-2022 ed cost includes the at least once even manufacturer's p it with the results | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated triolation to the e osts before en 7-Feb-2024 ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated | tering c.calibratering c.calib | calibrate the on-le calibration with onfirmation device ted benchtop unit e date of the invest ed date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 calibrate the on-le calibrate the on-le calibration with onfirmation device ted benchtop unit e date of the invest | ine turbidimeters w a primary standard, or by comparing the at least once every tigation initially doc nce. one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | th primary , secondary e results from week (\$10 per umenting the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | standards standard, or the on-line un turbidimeter ANNU, \$20 The avoid standards standard, or the on-line un | at least once even manufacturer's p it with the results * x two turbidimeter ALIZE avoided c ALIZE avoided c alignment 26-Apr-2022 ed cost includes the at least once even manufacturer's p it with the results | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated triolation to the e osts before en 7-Feb-2024 ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated | tering c.calibratering c.calib | calibrate the on-le calibration with onfirmation device ted benchtop unit e date of the invest ed date of compliar item (except for \$0 \$0 \$0 \$0 \$0 calibrate the on-le calibrate the on-le calibration with onfirmation device ted benchtop unit | ine turbidimeters w a primary standard or by comparing the at least once every tigation initially doc ice. one-time avoidee \$0 \$0 \$0 \$0 \$0 \$0 a \$0 a \$0 a \$0 a \$0 a | th primary , secondary e results from week (\$10 per umenting the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | standards standard, or the on-line un turbidimeter ANNU, \$20 The avoid standards standard, or the on-line un | at least once even manufacturer's p it with the results * x two turbidimeter ALIZE avoided c ALIZE avoided c alignment 26-Apr-2022 ed cost includes the at least once even manufacturer's p it with the results | ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated triolation to the e osts before en 7-Feb-2024 ne estimated an ry 90 days and o roprietary calibr from a properly ers), calculated | tering c.calibratering c.calib | calibrate the on-le calibration with onfirmation device ted benchtop unit e date of the invest ed date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 calibrate the on-le calibrate the on-le calibration with onfirmation device ted benchtop unit e date of the invest | ine turbidimeters w a primary standard or by comparing the at least once every tigation initially doc ice. one-time avoidee \$0 \$0 \$0 \$0 \$0 \$0 a \$0 a \$0 a \$0 a \$0 a | th primary , secondary e results from week (\$10 per umenting the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |



| RESDUILLEIL | MIDWAY WAT | ER UTILITIES, INC | C. (PCW No. 1 of | - 2) | | | |
|--|----------------------------|---|--|---|--|--|--|
| Case ID No. | | , - | | , | | | |
| eg. Ent. Reference No. | | | | | | | |
| | Public Water S | | | | | | Years of |
| | | зирріу | | | | Percent Interest | Depreciation |
| Violation No. | 3 | | | | | | |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | 1 | | | | | | |
| p | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | , | 1 | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$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 |
| | | | | | T - | | |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs Other (as needed) | \$3,000 | 26-Apr-2022 | 21-Jul-2025 | | | · · · · · · · · · · · · · · · · · · · | |
| | | | | 0.00 3.24 | \$0 \$486 | n/a n/a | \$0 \$486 |
| Other (as needed) | The delayed of | cost includes the e | stimated amour | 0.00 3.24 | \$0 \$486 tify and receive ap | n/a n/a proval from the Exe | \$0 \$486 cutive Director |
| | The delayed of | cost includes the e nificant changes t | stimated amour o the water syst | 0.00 3.24 nt to not cem, cal | \$0 \$486 tify and receive ap culated from the c | n/a n/a proval from the Exe late of the investiga | \$0 \$486 cutive Director |
| Other (as needed) | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 nt to not cem, cal n to the | \$0 \$486 tify and receive ap culated from the c estimated date of | n/a n/a proval from the Exe late of the investiga compliance. | \$0 \$486 cutive Director tion initially |
| Other (as needed) | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 nt to not cem, cal n to the | \$0 \$486 tify and receive ap culated from the c estimated date of | n/a n/a proval from the Exe late of the investiga compliance. | \$0 \$486 cutive Director tion initially |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 at to not cem, cal n to the tering 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 | n/a n/a proval from the Exe late of the investiga compliance. rone-time avoided \$0 | \$0 \$486 cutive Director tion initially 1 costs) \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 t to no cem, cal to the tering 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. one-time avoided \$0 \$0 | \$0 \$486 cutive Director tion initially d costs) \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 t to no cem, cal to the tering 0.00 0.00 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. one-time avoided \$0 \$0 \$0 | \$0 \$486 cutive Director tion initially d costs) \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 t to not cem, cal to the tering 0.00 0.00 0.00 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. one-time avoided \$0 \$0 \$0 \$0 \$0 | \$0 \$486 cutive Director tion initially 4 costs) \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 at to noise tern, cal tering 0.00 0.00 0.00 0.00 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. cone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$486 cutive Director tion initially 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 at to noise tem, cal tering 0.00 0.00 0.00 0.00 0.00 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$486 cutive Director tion initially 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 at to noise tern, cal tering 0.00 0.00 0.00 0.00 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. cone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$486 cutive Director tion initially 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 at to noise tem, cal tering 0.00 0.00 0.00 0.00 0.00 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$486 cutive Director tion initially 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 at to noise tem, cal tering 0.00 0.00 0.00 0.00 0.00 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$486 cutive Director tion initially 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 at to noise tem, cal tering 0.00 0.00 0.00 0.00 0.00 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$486 cutive Director tion initially 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 at to noise tem, cal tering 0.00 0.00 0.00 0.00 0.00 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$486 cutive Director tion initially 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | The delayed of for the sig | cost includes the e nificant changes t document | stimated amour o the water syst ting the violation | 0.00 3.24 at to noise tem, cal tering 0.00 0.00 0.00 0.00 0.00 0.00 | \$0 \$486 tify and receive ap culated from the c estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a proval from the Exe late of the investiga compliance. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$486 cutive Director tion initially 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| - | nt MIDWAY WATER UTILITIES | | PCW Revision 5 (January 28, 2021) |
|---|--|--|--------------------------------------|
| Case ID N Reg. Ent. Reference N Med | | PC | W Revision February 11, 2021 |
| | or Kaisie Hubschmitt | | |
| Violation Num | | | |
| Rule Cite | 3 | 0 Tex. Admin. Code § 290.46(I) | |
| Violation Descript | on | mains at monthly intervals. Specifically, the Respondent s near the dead ends instead of at all dead-end mains. | |
| | | Base Penalty | \$5,000 |
| >> Environmental, Pro | perty and Human Healt | h Matrix | |
| | Harm | | |
| OR Act | | Minor | |
| Poter | ualx | Percent 15.0% | |
| | rr | | |
| >>Programmatic Matri Falsificati | | Minor | |
| Faisilicati | on Major Moderate | Percent 0.0% | |
| | | | _ |
| | | y intervals could expose persons served by the Facility to ich would not exceed levels protective of human health. | |
| | | Adjustment \$4,250 | - |
| | | | |
| | | | \$750 |
| Violation Events | | | |
| Number | of Violation Events 1 | 9 Number of violation days | |
| | daily weekly monthly | | |
| | quarterly x semiannual annual single event | Violation Base Penalty | r\$750 |
| One quart | | culated from the January 29, 2024 record review date to ry 7, 2024 screening date. |] |
| Good Faith Efforts to C | omply 0.0% | 6 Reduction | \$0 |
| | Before NOE/NOV | / NOE/NOV to EDPRP/Settlement Offer | |
| | Extraordinary Ordinary | | |
| | | | |
| | | ident does not meet the good faith criteria for this violation. | |
| | | Violation Subtota | I\$750 |
| Economic Benefit (EB) | for this violation | Statutory Limit Test | |
| | ated EB Amount | \$14 Violation Final Penalty Tota | \$827 |
| LSU | <u> </u> | | |
| | This vi | olation Final Assessed Penalty (adjusted for limits) | \$827 |

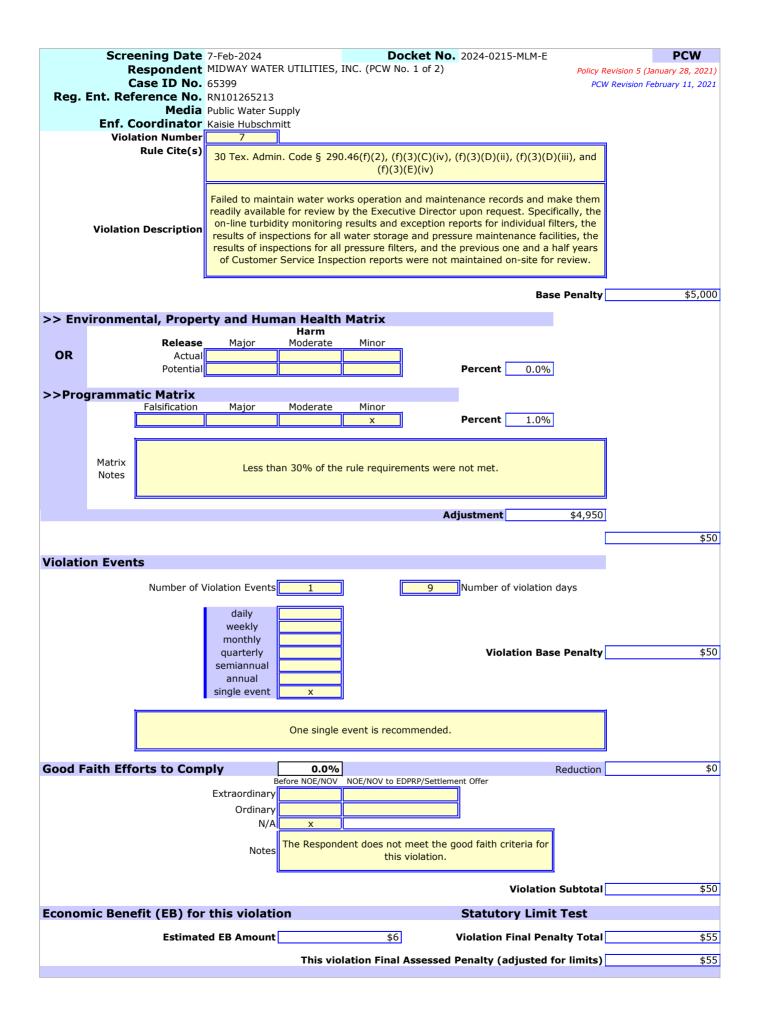
| | MIDWAY WAT | ER UTILITIES, INC | C. (PCW No. 1 of | [:] 2) | | | |
|--|--------------------------|--|------------------------------------|---|--|--|---|
| Case ID No. | | | | | | | |
| leg. Ent. Reference No. | | | | | | | |
| | Public Water S | | | | | | Years of |
| Violation No. | | upply | | | | Percent Interest | Depreciation |
| Violation No. | 4 | | | | | | |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| - | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | I | | | 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 | | | | | 40 | - /- | 40 |
| | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$100 The delayed o | 26-Apr-2022 | 21-Feb-2025 stimated amoun | 2.83 | \$14 | n/a n/a | \$14 |
| Other (as needed) Notes for DELAYED costs | The delayed c date of | ost includes the extension in the investigation ine | stimated amoun nitially documen | 2.83 It to init | \$14 iate a monthly flus e violation to the e | n/a shing program, calco stimated date of co | \$14 ulated from the mpliance. |
| Other (as needed) Notes for DELAYED costs Avoided Costs | The delayed c date of | ost includes the extension in the investigation ine | stimated amoun nitially documen | 2.83 It to init Iting the | \$14 iate a monthly flus e violation to the e item (except for | n/a shing program, calcu stimated date of con one-time avoided | \$14 ulated from the mpliance. I costs) |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal | The delayed c date of | ost includes the extension in the investigation ine | stimated amoun nitially documen | 2.83 It to init iting the tering 0.00 | \$14 iate a monthly flus e violation to the e item (except for \$0 | n/a shing program, calcu stimated date of con one-time avoided \$0 | \$14 ulated from the mpliance. i costs) \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel | The delayed c date of | ost includes the extension in the investigation ine | stimated amoun nitially documen | 2.83 It to inititing the tering 0.00 | \$14 iate a monthly flus e violation to the e item (except for \$0 \$0 | n/a shing program, calcustimated date of con one-time avoided \$0 \$0 | \$14 ulated from the mpliance. i costs) \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling | The delayed c date of | ost includes the extension in the investigation ine | stimated amoun nitially documen | 2.83 t to init ting the tering 0.00 0.00 0.00 | \$14 iate a monthly flus e violation to the e item (except for \$0 \$0 \$0 \$0 | n/a shing program, calcu stimated date of co one-time avoided \$0 \$0 \$0 | \$14 ulated from the mpliance. i costs) \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | The delayed c date of | ost includes the extension in the investigation ine | stimated amoun nitially documen | 2.83 t to init ting the tering 0.00 0.00 0.00 0.00 | \$14 iate a monthly flus e violation to the e item (except for \$0 \$0 \$0 \$0 \$0 \$0 | n/a hing program, calcustimated date of con- one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$14 ulated from the mpliance. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed c date of | ost includes the extension in the investigation ine | stimated amoun nitially documen | 2.83 t to init ting the tering 0.00 0.00 0.00 0.00 0.00 | \$14 iate a monthly flus e violation to the e item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a shing program, calcu stimated date of con one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$14 ulated from the mpliance. 4 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed c date of | ost includes the extension in the investigation ine | stimated amoun nitially documen | 2.83 t to inititing the tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | \$14 iate a monthly flus e violation to the e item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a shing program, calcu stimated date of con one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$14 ulated from the mpliance. f costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed c date of | ost includes the extension in the investigation ine | stimated amoun nitially documen | 2.83 t to init ting the tering 0.00 0.00 0.00 0.00 0.00 | \$14 iate a monthly flus e violation to the e item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a shing program, calcu stimated date of con one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$14 ulated from the mpliance. 4 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed c date of | ost includes the extension in the investigation ine | stimated amoun nitially documen | 2.83 t to inititing the tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | \$14 iate a monthly flus e violation to the e item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a shing program, calcu stimated date of con one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$14 ulated from the mpliance. f costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| | 7-Feb-2024 MIDWAY WATER UTILITIES, 1 65399 | | PCW Revision 5 (January 28, 2021) V Revision February 11, 2021 |
|--|---|--|--|
| Reg. Ent. Reference No. Media Enf. Coordinator | Public Water Supply | | |
| Violation Number | | | |
| Rule Cite(s) | 30 Tox | . Admin. Code § 290.109(d)(1)(A) | |
| | Failed to collect routine di | istribution coliform samples at a customer's premise, | |
| Violation Description | active service connections w distribution system. Specifica throughout the distribution | , or other designated compliance sampling location at hich are representative of water quality throughout the ally, the sampling locations were not equally distributed on system as there were no bacteriological sampling the southern part of the sampling map. | |
| | | Base Penalty | \$5,000 |
| >> Environmental, Prope | rty and Human Health | Matrix | |
| Release | | Minor | |
| OR Actua Potentia | | Percent 15.0% | |
| >>Programmatic Matrix | | | |
| Falsification | Major Moderate | Minor Percent 0.0% | |
| Epiluro to col | act routing coliform complex a | t active convice connections throughout the distribution | 1 |
| | l expose persons served by the | t active service connections throughout the distribution e Facility to a significant amount of contaminants which vels protective of human health. | |
| | | Adjustment \$4,250 | [|
| | | | \$750 |
| Violation Events | | | |
| Number of | Violation Events 1 | 3 Number of violation days | |
| | daily weekly monthly | Violation Room Revelter | +750 |
| | quarterly x semiannual | Violation Base Penalty | \$750 |
| One quarter | | llated from the January 29, 2024 record review date to 1, 2024 compliance date. | |
| Good Faith Efforts to Con | 10 25.0% | Reduction | \$187 |
| | | NOE/NOV to EDPRP/Settlement Offer | · · · · · · |
| | Extraordinary | | |
| | Ordinary x | | |
| | Ordinary x N/A | ndent achieved compliance on February 1, 2024. | |
| | Ordinary x N/A The Respon | | \$563 |
| Economic Benefit (EB) fo | Ordinary × N/A The Respor | 2024. | \$563 |
| | Ordinary × N/A The Respor | 2024. Violation Subtotal | |

| Reg. Ent. Reference No. Media Violation No. | Public Water S | | | | | Percent Interest | Years of Depreciation |
|--|----------------|------------------------------|--------------------------------------|--|---|---|---|
| | Itom Cost | Date Required | Final Date | Vrc | Interest Saved | 5.0 Costs Saved | 15 EB Amount |
| Item Description | | Date Required | Final Date | 115 | Interest Saveu | Costs Saveu | EB Amount |
| | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$100 | 26-Apr-2022 | 1-Feb-2024 | 1.77 | \$9 | n/a | \$9 |
| Demendiation (Dianagal | | | | | 40 | | |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs Other (as needed) | | | | 0.00 | \$0 \$0 \$0 | n/a n/a n/a | \$0 \$0 \$0 |
| Permit Costs | , | oted in the Facilit | y's monitoring p | 0.00 0.00 nount to plan, cal | \$0 \$0 collect bacteriolog culated from the d | n/a n/a gical samples at rep ate of the investiga | \$0 \$0 resentative |
| Permit Costs Other (as needed) Notes for DELAYED costs | locations r | noted in the Facilit docu | y's monitoring p Imenting the vio | 0.00 0.00 nount to plan, cal plation t | \$0 \$0 collect bacteriolog culated from the d o the date of comp | n/a n/a gical samples at rep late of the investiga pliance. | \$0 \$0 resentative tion initially |
| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs | locations r | noted in the Facilit docu | y's monitoring p Imenting the vio | 0.00 0.00 nount to blan, cal blation t | \$0 \$0 collect bacteriolog culated from the d o the date of comp item (except for | n/a n/a gical samples at rep ate of the investiga oliance. one-time avoide d | \$0 \$0 resentative tion initially d costs) |
| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal | locations r | noted in the Facilit docu | y's monitoring p Imenting the vio | 0.00 0.00 0 0.00 0 0 0 0 0 0 0 0 0 0 0 0 | \$0 \$0 collect bacteriolog culated from the d o the date of comp item (except for \$0 | n/a n/a gical samples at rep late of the investiga pliance. one-time avoided \$0 | \$0 \$0 resentative tion initially i costs) \$0 |
| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel | locations r | noted in the Facilit docu | y's monitoring p Imenting the vio | 0.00 0.00 0.00 0 0.00 0 0.00 0.00 0.00 | \$0 \$0 collect bacteriolog culated from the d o the date of comp item (except for \$0 \$0 | n/a n/a gical samples at rep late of the investiga pliance. one-time avoideo \$0 \$0 | \$0 \$0 resentative tion initially i costs) \$0 \$0 |
| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling | locations r | noted in the Facilit docu | y's monitoring p Imenting the vio | 0.00 0.00 0.00 0an, cal 0lation t 0lation t 0.00 0.00 0.00 | \$0 \$0 collect bacteriolog culated from the d o the date of comp item (except for \$0 \$0 \$0 \$0 | n/a n/a gical samples at rep ate of the investiga pliance. one-time avoided \$0 \$0 \$0 | \$0 \$0 resentative tion initially 4 costs) \$0 \$0 \$0 \$0 |
| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | locations r | noted in the Facilit docu | y's monitoring p Imenting the vio | 0.00 0.00 0.00 000 000 0.00 0.00 0.00 | \$0 \$0 collect bacteriolog culated from the d o the date of comp item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a gical samples at rep ate of the investiga pliance. one-time avoided \$0 \$0 \$0 \$0 \$0 | \$0 \$0 resentative tion initially 4 costs) \$0 \$0 \$0 \$0 \$0 |
| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | locations r | noted in the Facilit docu | y's monitoring p Imenting the vio | 0.00 0.00 0lan, cal 0lation t 0.00 0.00 0.00 0.00 0.00 | \$0 \$0 collect bacteriolog culated from the d o the date of comp item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a gical samples at rep ate of the investiga pliance. one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 resentative tion initially 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | locations r | noted in the Facilit docu | y's monitoring p Imenting the vio | 0.00 0.00 0.00 000 000 0.00 0.00 0.00 | \$0 \$0 collect bacteriolog culated from the d o the date of comp item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a gical samples at rep ate of the investiga pliance. one-time avoided \$0 \$0 \$0 \$0 \$0 | \$0 \$0 resentative tion initially 1 costs) \$0 \$0 \$0 \$0 \$0 |

| >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Potential Selfication Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Percent 0.0% Matrix Notes Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 Violation Events 3 Number of Violation Events 3 Violation Base Penalty \$75 | Media Public Water Supply Finf. Coordinator Kaisle Hubschmitt Violation Number 6 30 Tex. Admin. Code § 290.110(c)(4)(C) Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(C) Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the monitoring locations were not equally distributed throughout the distribution system as there were no disinfectant monitoring locations on the southern part of the sampling map. >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Potential x Programmatic Matrix Percent Falsification Major Matrix Falsification Notes System at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 \$750 Yiolation Events Number of Violation Events 3 Number of Violation Events 3 Violation Base Penalty \$750 <th>Re</th> <th>ning Date espondent ise ID No.</th> <th>MIDWAY WATER UTILITIES, I</th> <th>Docket No. 2024-0215-MLM-E INC. (PCW No. 1 of 2)</th> <th>PCW Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021</th> | Re | ning Date espondent ise ID No. | MIDWAY WATER UTILITIES, I | Docket No. 2024-0215-MLM-E INC. (PCW No. 1 of 2) | PCW Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 |
|--|--|------------------|--------------------------------------|--|--|---|
| Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(C) Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the monitoring locations were no equally distributed throughout the distribution system as there were no disinfectant monitoring locations on the southern part of the sampling map. >> Environmental, Property and Human Health Matrix Harm Release Major OR Actual Potential X Potential Moderate Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Out developes persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Matrix Stillation Events Number of Violation Events 1 3 Number of violation days genical with would not exceed levels protective of human health. \$75 | Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(C) Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the monitoring locations were not disinfectant monitoring locations on the southern part of the sampling map. >> Environmental, Property and Human Health Matrix Harm Release Major Matrix Percent Falight call x Potential x Potential x Potential x Percent 15.0% >>Programmatic Matrix Percent Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution of violation Events Number of Violation Events 3 Number of Violation Events 3 Number of Violation Events 3 Matrix Semianual annual annual | | Media | Public Water Supply | | |
| Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(C) Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the monitoring locations were not equally distributed throughout the distribution system as there were no disinfectant monitoring locations on the southern part of the sampling map. >>> Environmental, Property and Human Health Matrix Base Penalty \$5,00 >>> Environmental, Property and Human Health Matrix Harm OR Actual Actual \$5,00 >>> Programmatic Matrix Harm Percent 15,0% \$5,00 >> Programmatic Matrix Failincation Major Moderate Minor Failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Spectration Percent 0.0% Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution or contaminants which would not exceed levels protective of human health. \$4,250 Violation Events Mumber of Violation Events 3 Number of violation days Violation Events Mainity Yiolation Base Penalty \$75 | Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(C) Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the monitoring locations were not equally distributed throughout the distribution system as there were no disinfectant monitoring locations on the southern part of the sampling map. >> Environmental, Property and Human Health Matrix Base Penalty \$5,000 >> Environmental, Property and Human Health Matrix Harm Moderate Minor OR Actual x Percent 15.0% >> Programmatic Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the monitoring location stroughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Violation Events 1 3 Number of violation days daily weekly semiannual annual \$750 | | | | | |
| So fex. Admin. Code § 290.110(c)(4)(c) Violation Description Failed to monitor the disinfectant residual at representative locations throughout the distribution system as there were no disinfectant monitoring locations on the southern part of the sampling map. Base Penalty \$5,00 >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Ac | So Tex. Admin. Code § 29.110(C)(4)(C) Violation Description Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the monitoring locations were no disinfectant monitoring locations on the southern part of the sampling map. Base Penalty \$5,000 >> Environmental, Property and Human Health Matrix Release Major Moderate Minor Actual x Potential x Percent 0.0% Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of huma | | | | | |
| Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the monitoring locations were not equally distributed throughout the distribution system as there were no disinfectant monitoring locations on the southern part of the sampling map. Base Penalty \$5,00 >> Environmental, Property and Human Health Matrix Major Moderate Minor Actual Attual Matrix Programmatic Matrix Percent 15.0% >>Programmatic Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Violation Events Maint gaily gail | Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the monitoring locations were not equally distributed throughout the distribution system as there were no disinfectant monitoring locations on the southern part of the sampling map. Base Penalty \$5,000 >> Environmental, Property and Human Health Matrix Marm OR Actual Percent 15.0% >>Programmatic Matrix Paisification Moderate Minor Percent 0.0% Matrix Faisification Moderate Minor Percent 0.0% Matrix Faisification Moderate Minor Percent 0.0% Matrix Faisification Moderate Minor Adjustment Second colspan="2">Second colspan="2">Second colspan="2"Second colspan= 2"Second colspan="2"Second colspan="2"Second colspan=" | | Rule Cite(s) | 30 Tex. | . Admin. Code § 290.110(c)(4)(C) | |
| >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential >>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% >>Programmatic Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Matrix Notes Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 Violation Events 3 Number of Violation Events 3 Violation Base Penalty \$75 | >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Potential x Percent 15.0% >Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Fallure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Violation Events Violation Events 3 Number of violation days Violation Base Penalty \$750 | Violation | Description | Failed to monitor the disinfec distribution system at least o not equally distributed th | tant residual at representative locations throug nce per day. Specifically, the monitoring location proughout the distribution system as there wer | ons were e no |
| OR Release Major Moderate Minor Potential x Percent 15.0% >>Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Percent 0.0% Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 Violation Events 1 3 Number of violation days \$75 daily | OR Release Major Moderate Minor Actual | | | | Base | Penalty \$5,000 |
| OR Release Major Moderate Minor Potential x Percent 15.0% >>Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Percent 0.0% Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 Violation Events 1 3 Number of violation days \$75 daily | OR Release Major Moderate Minor Actual | >> Environmen | tal, Prope | rty and Human Health | Matrix | |
| Falsification Major Moderate Minor Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 Violation Events 3 Number of violation days daily 3 Number of violation days weekly monthly 4 yearterly x Violation Base Penalty \$75 | Falsification Major Moderate Minor Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 Violation Events \$750 Violation Events 1 3 Number of violation days daily | OR | Actual | Major Moderate | | |
| Falsification Major Moderate Minor Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 Violation Events 3 Number of violation days daily 3 Number of violation days weekly monthly 4 yearterly x Violation Base Penalty \$75 | Falsification Major Moderate Minor Matrix Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 Violation Events \$750 Violation Events 1 3 Number of violation days daily | | | | | |
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| Matrix Notes Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 Violation Events \$75 Violation Events 3 Number of Violation Events 3 Violation Base Penalty \$75 | Matrix Notes Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 Violation Events \$750 Violation Events 3 Vulue of Violation Events 3 Violation Base Penalty \$750 Violation Base Penalty \$750 | E E | Falsification | Major Moderate | | |
| Matrix Notes system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 \$75 Violation Events 3 Number of Violation Events 3 Adjustment of violation days \$75 Violation Base Penalty \$75 | Matrix Notes system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. Adjustment \$4,250 \$750 Violation Events Number of Violation Events daily weekly monthly quarterly semiannual annual Violation Base Penalty \$750 | L. | | | Percent 0.0% | |
| \$75 Violation Events Number of Violation Events 1 3 Aaily weekly monthly quarterly x Semiannual | \$750 Violation Events Number of Violation Events 1 3 Aaily weekly monthly quarterly semiannual annual | Matrix | system at leas | st once per day could expose p | persons served by the Facility to a significant a | |
| \$75 Violation Events Number of Violation Events 1 3 Aaily weekly monthly quarterly semiannual | \$750 Violation Events Number of Violation Events 1 3 Aaily weekly monthly quarterly semiannual annual | | | | Adjustment | ¢4.250 |
| Violation Events Number of Violation Events 1 3 Aaily weekly monthly quarterly x semiannual | Violation Events Number of Violation Events 3 Number of violation days daily 3 Number of violation days daily 9 9 weekly 9 9 monthly 9 9 semiannual 9 9 annual 9 9 | | | | Aujustment | \$4,230 |
| Number of Violation Events 1 3 Number of violation days daily | Number of Violation Events 1 3 Number of violation days daily | | | | | \$750 |
| Number of Violation Events 1 3 Number of violation days daily | Number of Violation Events 1 3 Number of violation days daily | | | | | |
| weekly Image: Constraint of the second sec | weekly monthly quarterly x Violation Base Penalty \$750 semiannual annual | Violation Events | | Violation Events | 3 Number of violation d | ays |
| | annual | | | weekly monthly quarterly | Violation Base | Penalty \$750 |
| | | | | annual | | |
| | One quarterly event is recommended, calculated from the January 29, 2024 record review date to the February 1, 2024 compliance date. | | One quarterly | | | date to |
| | | Good Faith Effor | rts to Com | ply 25.0% | R | eduction \$187 |
| the February 1, 2024 compliance date. | Good Faith Efforts to Comply 25.0% Reduction \$187 | | | | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary 0 Ordinary x x | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x | | | Notes The Respor | ndent achieved compliance on February 1, 2024. | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary X <th>Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A The Respondent achieved compliance on February 1,</th> <th></th> <th></th> <th></th> <th>Violation</th> <th>Subtotal \$563</th> | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A The Respondent achieved compliance on February 1, | | | | Violation | Subtotal \$563 |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A N/A The Respondent achieved compliance on February 1, 2024. | Economic Benef | it (EB) for | this violation | Statutory Limit | Test |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A Notes The Respondent achieved compliance on February 1, 2024. Violation Subtotal \$563 | | Estimate | ed EB Amount | \$1 Violation Final Pena | Ity Total \$668 |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x x x N/A x x x x N/A x x x x Violation Subtotal \$56 Economic Benefit (EB) for this violation | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | | | This viol | lation Final Assessed Penalty (adjusted fo | r limits) \$668 |
| | <u>I</u> | Ľ | | | | |
| | | Good Faith Effor | rts to Com | | | eduction \$187 |
| the February 1, 2024 compliance date. | | Good Faith Effor | rts to Com | | | eduction \$187 |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 | | | | Extraordinary | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 | | | | | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply Reduction State Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | | | | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | | | | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | | | | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | | | Ordinary x | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | | | · · · · · · · · · · · · · · · · · · · | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | | | · · · · · · · · · · · · · · · · · · · | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | | | N/A | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x | | | | L | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary 0 Ordinary x 0 | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x | | | | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary 0 Ordinary x 0 | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x | | | | | |
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| Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer \$18 Cordinary | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A | | | Notes | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary X N/A The Respondent achieved compliance on February 1 | | | Notes | 2024. | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A The Respondent achieved compliance on February 1, | | | | 20211 | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A The Respondent achieved compliance on February 1, | | | L | Violation | Subtotal 4563 |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | Factor and a Day | | | | · |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary 0rdinary x <td< th=""><th>Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A Notes The Respondent achieved compliance on February 1, 2024. Violation Subtotal \$563</th><th>Economic Bener</th><th>IL (CD) TOP</th><th>uns violation</th><th></th><th></th></td<> | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A Notes The Respondent achieved compliance on February 1, 2024. Violation Subtotal \$563 | Economic Bener | IL (CD) TOP | uns violation | | |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x x x N/A x x x x N/A x x x x Violation Subtotal \$56 Economic Benefit (EB) for this violation | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary | | Estimate | ed EB Amount | \$1 Violation Final Pena | ty Total \$668 |
| the February 1, 2024 compliance date. Good Faith Efforts to Comply 25.0% Reduction \$18 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Volation Subtotal \$56 Violation Subtotal \$50 Reduction Statutory Limit Test | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent achieved compliance on February 1, 2024. Violation Subtotal \$563 Economic Benefit (EB) for this violation Statutory Limit Test | | | This viol | lation Final Assessed Penalty (adjusted fo | r limits) \$668 |

| | | ER UTILITIES, INC | | f 7) | | | |
|--|-------------------------|--|--|---|---|--|--|
| | | LK UTILITILS, INC | (PCW NO. 1 0 | 12) | | | |
| Case ID No. | | | | | | | |
| Reg. Ent. Reference No. | | | | | | | |
| | Public Water S | Supply | | | | Percent Interest | Years of |
| Violation No. | 6 | | | | | Percent Interest | Depreciation |
| | | | | | | 5.0 | |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| Item Description | | | | | | | |
| Delayed Costs | | | | | | | |
| Delayed Costs | | II | | 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 | \$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) | \$10 | 26-Apr-2022 | 1-Feb-2024 | 1.77 | \$1 | n/a | \$0 |
| Other (as needed) | | | | 1.77 | \$1 | n/a | \$1 |
| | The delaye | d cost includes the | e estimated am | 1.77 ount to | \$1 monitor the disinfe | n/a ectant residual at re | \$1 presentative |
| Other (as needed) Notes for DELAYED costs | The delaye | d cost includes the throughout the di | e estimated amo | 1.77 ount to m at lea | \$1 monitor the disinfe ast once per day, c | n/a ectant residual at re calculated from the | \$1 presentative |
| Notes for DELAYED costs | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 ount to m at lea ting the | \$1 monitor the disinfe ast once per day, c violation to the da | n/a ectant residual at re calculated from the ate of compliance. | \$1 presentative date of the |
| Notes for DELAYED costs | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 ount to m at lea ting the tering | \$1 monitor the disinfe ast once per day, c violation to the da item (except for | n/a ectant residual at re calculated from the ate of compliance. | \$1 presentative date of the d costs) |
| Notes for DELAYED costs Avoided Costs Disposal | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 ount to m at lea ting the tering 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 | n/a ectant residual at re calculated from the ate of compliance. rone-time avoide \$0 | \$1 presentative date of the d costs) \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 ount to m at lea ting the tering 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 | n/a ectant residual at re calculated from the ate of compliance. one-time avoider \$0 \$0 | \$1 presentative date of the date of the d costs) \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 ount to m at lea ting the tering 0.00 0.00 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 \$0 | n/a ectant residual at re- alculated from the ate of compliance. one-time avoided \$0 \$0 \$0 | \$1 presentative date of the d costs) \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 ount to m at lea ting the tering 0.00 0.00 0.00 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 \$0 \$0 \$0 \$0 | n/a ectant residual at re- alculated from the ate of compliance. • one-time avoider \$0 \$0 \$0 \$0 \$0 | \$1 presentative date of the date of the d costs) \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 ount to m at lea ting the 0.00 0.00 0.00 0.00 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a ectant residual at re alculated from the ate of compliance. • one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$1 presentative date of the date of the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 punt to m at leading the ting the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a ectant residual at re calculated from the ate of compliance. one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$1 presentative date of the date of the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 ount to m at lea ting the 0.00 0.00 0.00 0.00 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a ectant residual at re alculated from the ate of compliance. • one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$1 presentative date of the date of the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 punt to m at leading the ting the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a ectant residual at re calculated from the ate of compliance. one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$1 presentative date of the date of the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 punt to m at leading the ting the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a ectant residual at re calculated from the ate of compliance. one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$1 presentative date of the date of the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 punt to m at leading the ting the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a ectant residual at re calculated from the ate of compliance. one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$1 presentative date of the date of the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 punt to m at leading the ting the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a ectant residual at re calculated from the ate of compliance. one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$1 presentative date of the date of the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | The delaye locations | d cost includes the throughout the di investigation in | e estimated amo stribution syste itially documen | 1.77 punt to m at leading the ting the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | \$1 monitor the disinfe ast once per day, c violation to the da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a ectant residual at re- alculated from the ate of compliance. one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$1 presentative date of the date of the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |



| | E | conomic | Benefit | Wo | rksheet | | |
|-------------------------------|-----------------------------|---|--|---------------------|---|--|-----------------------------|
| Respondent | MIDWAY WAT | ER UTILITIES, INC | C. (PCW No. 1 of | ⁻ 2) | | | |
| Case ID No. | 65399 | | · | | | | |
| Reg. Ent. Reference No. | | 2 | | | | | |
| | Public Water S | | | | | | Years of |
| | | supply | | | | Percent Interest | Depreciation |
| Violation No. | / | | | | | | |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | Г. | 1 | 1 | 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 | 26-Apr-2022 | 21-Feb-2025 | 2.83 | \$6 | n/a | \$6 |
| Training/Sampling | <u> </u> | 20 / 01 2022 | 21100 2023 | 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 | records and m the date o | nake them readily of the investigation | available for rev n initially docum | /iew by enting t | the Executive Dire he violation to the | orks operation and in ctor upon request, estimated date of | calculated from compliance. |
| Avoided Costs | ANNU | ALIZE avoided o | osts before en | | <u> </u> | one-time avoide | |
| Disposal | - | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | - | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Notes for AVOIDED costs | | | | | | | |
| Approx. Cost of Compliance | | \$45 | | | TOTAL | | \$6 |

| | | ening Date | | | | cket No. 2024-0215-MLM-E | | | PCW |
|----------|-----------------|------------------------------------|---|--|--|--|--|---------------|------------------|
| | | | MIDWAY WATER | UTILITIES, I | INC. (PCW No | o. 1 of 2) | | | anuary 28, 2021) |
| Dec. I | | Case ID No. | | | | | PCV | V Revision Fe | ebruary 11, 2021 |
| Reg. I | Ent. Ref | | RN101265213 | | | | | | |
| | Enf (| | Public Water Sup Kaisie Hubschmit | | | | | | |
| | - | ation Number | | | | | | | |
| | | Rule Cite(s) | | 20 Tox | Admin Cod | e § 290.46(e)(6)(C) | | | |
| | | | | JUTEX | . Admin. Cod | | | | |
| | Violatio | n Description | operator on continuous t shutdown and ala continues to me the Facility is no | duty when it turbidity and arms to sum eet the Comm ot staffed. Sp | t is in operation disinfectant r mon operator nission's drink pecifically, the | ast one Class "C" or higher surfa on or that the Facility is provided residual monitors with automatic rs so as to ensure that the water king water standards during peri plant does not automatically sh re no operators on-site overnigh | d with plant · produced ods when utdown if | | |
| | - | | | | | Bas | e Penalty | | \$5,000 |
| >> Env | vironme | ntal, Prope | rty and Huma | | Matrix | | | | |
| | | Release | Major | Harm Moderate | Minor | | | | |
| OR | | Actual | | | | | | | |
| | | Potential | x | | | Percent 30.0% | | | |
| | | tic Matrix | | | | | | | |
| >>Prog | gramma | tic Matrix Falsification | Major | Moderate | Minor | | | | |
| | | | | | | Percent 0.0% | | | |
| | | - Ir | | | | | | ז | |
| | Matrix Notes | provides aut | omatic shutdown weet the shutdown weet the shutdown weet the second strain of the shutdown weet the shutdown we | with alarms t affed could e | to summon of expose custor | opriately licensed operator or the perators during periods when the ners of the Facility to contamina of human health. | e surface | | |
| | | - | | | | Adjustment | ¢2 E00 | T | |
| | | | | | | Adjustment | \$3,500 | 1 | |
| | | | | | | | | | \$1,500 |
| Violatio | n Even | te | | | | | | | |
| Violatio | | | | | | | | | |
| | | Number of V | Violation Events | 1 | | 9 Number of violation | days | | |
| | | | daily | | | | | | |
| | | | daily weekly | | | | | | |
| | | | monthly | х | | | | | |
| | | | quarterly | | | Violation Bas | e Penalty | | \$1,500 |
| | | | semiannual | | | | | | |
| | | | annual single event | | | | | | |
| | | | | | | | | _ | |
| | | One monthly | | | lated from the 7, 2024 scre | e January 29, 2024 record revie ening date. | w date to | | |
| | | ļ | | | | | | 4 | |
| Good Fa | aith Eff | orts to Com | | 0.0% | | | Reduction | | \$0 |
| | | | Extraordinary | fore NOE/NOV | NOE/NOV to ED | PRP/Settlement Offer | | | |
| | | | Ordinary | | | | | | |
| | | | N/A | x | | | | | |
| | | | Notes T | The Responde | | meet the good faith criteria for violation. | | | |
| | | | | | | Violation | Subtotal | | \$1,500 |
| Fconor | nic Bong | afit (FR) for | this violatior | n | | Statutory Limit | Test | | |
| LCOHON | ine bene | | | | | | | | |
| | | Estimat | ed EB Amount | | \$145 | Violation Final Pen | alty Total | | \$1,653 |
| | | | | This viol | ation Final / | Assessed Penalty (adjusted f | or limits) | | \$1,653 |
| | | | | | | | | | |

| | MIDWAY WAT | ER UTILITIES, INC | C. (PCW No. 1 of | [:] 2) | | | |
|--|-------------------------------|--|---|--|---|--|--|
| Case ID No. | | | | | | | |
| leg. Ent. Reference No. | | | | | | | |
| | Public Water S | | | | | | Years of |
| Violation No. | | Juppiy | | | | Percent Interest | Depreciation |
| | - | | | | | 5.0 | . 15 |
| | Item Cost | Date Required | Final Date | Vrc | Interest Saved | Costs Saved | EB Amount |
| Item Description | | Bute Required | | | | | LD Amount |
| Item Description | | | | | | | |
| Delayed Cente | | | | | | | |
| Delayed Costs | ir | 1 | | 0.00 | ¢0 | ±0 | ¢0 |
| Equipment Buildings | | | | 0.00 | \$0 \$0 | \$0 \$0 | \$0 \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | - | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| | | | | | | | |
| Other (as needed) | \$1,000 | 26-Apr-2022 | 21-Mar-2025 | 2.90 | \$145 | n/a | \$145 |
| . , | The delayed | cost includes the e | estimated amour | 2.90 nt to rep | pair the automatic | n/a plant shutdown and | \$145 d alarms at the |
| Other (as needed) Notes for DELAYED costs | The delayed | cost includes the e | estimated amour ate of the invest | 2.90 nt to rep tigation | pair the automatic | n/a | \$145 d alarms at the |
| . , | The delayed Facility, calc | cost includes the e culated from the da | estimated amour ate of the invest dat | 2.90 nt to rep tigation e of cor | pair the automatic initially documenti npliance. | n/a plant shutdown and | \$145 d alarms at the the estimated |
| Notes for DELAYED costs | The delayed Facility, calc | cost includes the e culated from the da | estimated amour ate of the invest dat | 2.90 nt to rep tigation e of cor | pair the automatic initially documenti npliance. | n/a plant shutdown and ng the violation to t | \$145 d alarms at the the estimated |
| Notes for DELAYED costs | The delayed Facility, calc | cost includes the e culated from the da | estimated amour ate of the invest dat | 2.90 nt to rep igation e of cor tering | pair the automatic initially document npliance. item (except for \$0 \$0 | n/a plant shutdown and ng the violation to t one-time avoided \$0 \$0 | \$145 d alarms at the the estimated d costs) \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | The delayed Facility, calc | cost includes the e culated from the da | estimated amour ate of the invest dat | 2.90 nt to rep igation e of cor tering 0.00 0.00 0.00 | pair the automatic initially documenti npliance. item (except for \$0 \$0 \$0 | n/a plant shutdown and ng the violation to t one-time avoided \$0 \$0 \$0 | \$145 d alarms at the the estimated d costs) \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | The delayed Facility, calc | cost includes the e culated from the da | estimated amour ate of the invest dat | 2.90 nt to rep igation e of cor tering 0.00 0.00 0.00 0.00 | pair the automatic initially documenti npliance. item (except for \$0 \$0 \$0 \$0 \$0 | n/a plant shutdown and ng the violation to t one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 | \$145 alarms at the the estimated a costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed Facility, calc | cost includes the e culated from the da | estimated amour ate of the invest dat | 2.90 nt to rej igation e of cor tering 0.00 0.00 0.00 0.00 0.00 | pair the automatic initially documenti npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a plant shutdown and ng the violation to t one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$145 d alarms at the the estimated d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed Facility, calc | cost includes the e culated from the da | estimated amour ate of the invest dat | 2.90 at to rej igation e of cor tering 0.00 0.00 0.00 0.00 0.00 0.00 | pair the automatic initially documenti npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a plant shutdown and ng the violation to to one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$145 d alarms at the the estimated d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed Facility, calc | cost includes the e culated from the da | estimated amour ate of the invest dat | 2.90 nt to rej igation e of cor tering 0.00 0.00 0.00 0.00 0.00 | pair the automatic initially documenti npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a plant shutdown and ng the violation to t one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$145 d alarms at the the estimated d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed Facility, calc | cost includes the e culated from the da | estimated amour ate of the invest dat | 2.90 at to rej igation e of cor tering 0.00 0.00 0.00 0.00 0.00 0.00 | pair the automatic initially documenti npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a plant shutdown and ng the violation to to one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$145 d alarms at the the estimated (costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| | | ening Date | | Docket No. 202 | 4-0215-MLM-E | PCW |
|---------|-----------------|-----------------------------|---|--|--|-------------------------------------|
| | | espondent ase ID No. | MIDWAY WATER UTILITIES | , INC. (PCW No. 1 of 2) | | Revision 5 (January 28, 2021) |
| Rea. | | | RN101265213 | | PCV | <i>W Revision February 11, 2021</i> |
| | | | Public Water Supply | | | |
| | | | Kaisie Hubschmitt | | | |
| | Viola | ition Number | 9 | | | ก |
| | | Rule Cite(s) | 30 - | Tex. Admin. Code § 290.46(m) | (4) | |
| | Violatio | n Description | facilities, distribution sy condition and free of exc | ter treatment units, storage an stem lines, and related appurte essive solids. Specifically, five o e leaking from their effluent lin | enances in a watertight of the six pressure filters | |
| | | | | | Base Penalty | \$5,000 |
| >> En | vironme | ntal, Prone | rty and Human Healt | h Matrix | | |
| | | | Harm | | | |
| OR | | Release Actual | Major Moderate | Minor | | |
| OK | | Potential | X | Per | cent 15.0% | |
| | | | <u> </u> | | | |
| >>Pro | gramma | tic Matrix Falsification | Major Moderate | Minor | | |
| | 1 | Taisincation | | | cent 0.0% | |
| | | | ' | | | 1 |
| | Matrix Notes | | • | n a watertight condition could e ntaminants which would not ex human health. | , | |
| | | | | Adjusti | ment \$4,250 | - I |
| | | | | | | \$750 |
| | | | | | | \$750 |
| Violati | ion Event | ts | | | | |
| | | Number of \ | /iolation Events 1 | 9 Nun | nber of violation days | |
| | | | daily weekly monthly | | | |
| | | | quarterly x semiannual | | Violation Base Penalty | \$750 |
| | | One quarterly | | culated from the January 29, 2 ry 7, 2024 screening date. | 024 record review date to | |
| Good F | Faith Effo | orts to Com | | | Reduction | \$0 |
| | | | | V NOE/NOV to EDPRP/Settlement Of | fer | |
| | | | Ordinary | | | |
| | | | N/A x | | | |
| | | | Notes The Respor | ndent does not meet the good f this violation. | faith criteria for | |
| | | | | | Violation Subtotal | \$750 |
| Econor | mic Bene | efit (EB) for | this violation | Sta | atutory Limit Test | |
| | | Estimate | ed EB Amount | \$102 Viola | ation Final Penalty Total | \$827 |
| | | | This vi | olation Final Assessed Pena | lty (adjusted for limits) | \$827 |
| | | | | | , (, | Ļ |

| | MIDWAY WAT | ER UTILITIES, INC | C. (PCW No. 1 of | ⁻ 2) | | | |
|--|----------------|--------------------|------------------|---|---|---|--|
| Case ID No. | | , | , | , | | | |
| Reg. Ent. Reference No. | | | | | | | |
| | Public Water S | | | | | | Years of |
| Violation No. | | арріу | | | | Percent Interest | Depreciation |
| | . 9 | | | | | | |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | 1 | | | | | | |
| | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | · | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 \$0 | \$0 |
| Other (as needed) | \$500 | 26-Apr-2022 | 21-Mar-2025 | 2.90 | \$5 | \$97 | \$102 |
| Engineering/Construction | | | 21 1101 2020 | 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) | The delayed c | ost includes the e | stimated amour | 0.00 | \$0 | 1. | \$0 \$0 |
| Other (as needed) Notes for DELAYED costs | of the | investigation init | ially documentin | 0.00 0.00 nt to rep ng the v | \$0 bair the leaks at th iolation to the esti | n/a n/a e Facility, calculateo mated date of comp | \$0 \$0 I from the date liance. |
| Other (as needed) Notes for DELAYED costs Avoided Costs | of the | investigation init | ially documentin | 0.00 0.00 Int to rep ing the v | \$0 bair the leaks at th iolation to the esti item (except for | n/a n/a e Facility, calculated mated date of comp one-time avoided | \$0 \$0 I from the date liance. |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal | of the | investigation init | ially documentin | 0.00 0.00 t to rep g the v tering 0.00 | \$0 pair the leaks at th iolation to the esti item (except for \$0 | n/a n/a e Facility, calculated mated date of comp one-time avoided \$0 | \$0 \$0 I from the date liance. d costs) \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel | of the | investigation init | ially documentin | 0.00 0.00 t to rep the v tering 0.00 | \$0 bair the leaks at th iolation to the esti item (except for \$0 \$0 | n/a n/a e Facility, calculated mated date of comp one-time avoided \$0 \$0 | \$0 \$0 from the date liance. f costs) \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling | of the | investigation init | ially documentin | 0.00 0.00 t to rep tering 0.00 0.00 | \$0 pair the leaks at th iolation to the esti item (except for \$0 \$0 \$0 | n/a n/a e Facility, calculated mated date of comp one-time avoided \$0 \$0 \$0 | \$0 \$0 I from the date liance. 1 costs) \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | of the | investigation init | ially documentin | 0.00 0.00 0 0.00 0 0.00 0.00 0.00 0.00 | \$0 bair the leaks at the iolation to the esti item (except for \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a e Facility, calculated mated date of comp one-time avoided \$0 \$0 \$0 \$0 \$0 | \$0 \$0 1 from the date liance. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance | of the | investigation init | ially documentin | 0.00 0.00 t to rep g the v tering 0.00 0.00 0.00 0.00 | \$0 pair the leaks at the iolation to the esti item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a e Facility, calculated mated date of comp cone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 1 from the date liance. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | of the | investigation init | ially documentin | 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0 | \$0 bair the leaks at the iolation to the esti item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a e Facility, calculated mated date of comp one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 1 from the date liance. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | of the | investigation init | ially documentin | 0.00 0.00 t to rep g the v tering 0.00 0.00 0.00 0.00 | \$0 pair the leaks at the iolation to the esti item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a e Facility, calculated mated date of comp cone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 I from the date liance. I costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | of the | investigation init | ially documentin | 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0 | \$0 bair the leaks at the iolation to the esti item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a e Facility, calculated mated date of comp one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 I from the date liance. I costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | of the | investigation init | ially documentin | 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0 | \$0 bair the leaks at the iolation to the esti item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a e Facility, calculated mated date of comp one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 I from the date liance. I costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| Screening Date Respondent Case ID No | MIDWAY WATER UTILITIES, | Docket No. 2024-0215-MLM-E INC. (PCW No. 1 of 2) | PCW Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 |
|--|---|---|---|
| | Public Water Supply | | |
| Enf. Coordinato | | | |
| Violation Number Rule Cite(s) | | | |
| Kule Cite(5) | 30 | Tex. Admin. Code § 290.46(i) | |
| Violation Descriptior | with provisions for proper e | e plumbing ordinance, regulations, or service ago nforcement to ensure that neither cross-connect eptable plumbing practices are permitted. | |
| | | Base | Penalty \$5,000 |
| >> Environmental, Prope | | Matrix | |
| Release | Harm Major Moderate | Minor | |
| OR Actua | | | |
| Potentia | | Percent 0.0% | |
| | <u> </u> | | |
| >>Programmatic Matrix | | | |
| Falsification | Major Moderate | Minor | |
| | x | Percent 20.0% | |
| | | | |
| Matrix Notes | 100% of the rul | e requirements were not met. | |
| | | Adjustment | \$4,000 |
| | | | \$1,000 |
| | | | <i><i><i></i></i></i> |
| Violation Events | | | |
| Number of | Violation Events 1 | 3 Number of violation da | ays |
| | daily weekly monthly quarterly | Violation Base | |
| | semiannual | | \$1,000 |
| | One single | event is recommended. | |
| Good Faith Efforts to Con | 1 ply 25.0% | R | eduction \$250 |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | |
| | Extraordinary | | |
| | Ordinary x | | |
| | N/A The Respo | Il ondent achieved compliance on February 1, 2024. | |
| | L | Violation S | Subtotal \$750 |
| Economic Benefit (EB) fo | r this violation | Statutory Limit | |
| | | | |
| Estimat | ed EB Amount | \$4 Violation Final Penal | ity Total \$890 |
| | This vio | olation Final Assessed Penalty (adjusted for | r limits) \$890 |

| Kesponaent | MIDWAY WAT | ER UTILITIES, INC | . (PCW No. 1 of | ⁻ 2) | | | |
|--|--------------------------|---|------------------------------------|--|---|--|--|
| Case ID No. | | | | | | | |
| leg. Ent. Reference No. | | | | | | | |
| | Public Water S | | | | | | Years of |
| Violation No. | | uppiy | | | | Percent Interest | Depreciation |
| VIOIALION NO. | 10 | | | | | | |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | r | <u>, </u> | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | i i | | 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 |
| | | | | 0.00 | \$ 0 | II/a | |
| Other (as needed) | \$40 | 26-Apr-2022 | 1-Feb-2024 | 1.77 | \$0 \$4 | n/a | \$0 \$4 |
| Other (as needed) | | | | 1.77 | \$4 | n/a | \$4 |
| | The delaye | d cost includes the | e estimated am | 1.77 ount to | \$4 adopt an adequate | n/a e plumbing ordinand | \$4 ce or service |
| Other (as needed) Notes for DELAYED costs | The delaye | d cost includes the | e estimated am | 1.77 ount to vestigat | \$4 adopt an adequate ion initially docum | n/a | \$4 ce or service |
| | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia | \$4 adopt an adequate ion initially docum ance. | n/a e plumbing ordinand enting the violation | \$4 ce or service to the date of |
| | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia | \$4 adopt an adequate ion initially docum ance. | n/a e plumbing ordinand | \$4 ce or service to the date of |
| Notes for DELAYED costs | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 | n/a e plumbing ordinand enting the violation one-time avoided \$0 | \$4 ce or service to the date of d costs) \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 | n/a e plumbing ordinanc enting the violation one-time avoided \$0 \$0 | \$4 te or service to the date of d costs) \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 \$0 | n/a e plumbing ordinance enting the violation one-time avoided \$0 \$0 \$0 | \$4 to the date of to the date of to the date of to the date of to the date of the da |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 0.00 0.00 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 | n/a e plumbing ordinanc enting the violation one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 | \$4 to the date of d costs) \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 0.00 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a e plumbing ordinanc enting the violation one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$4 to the date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 0.00 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a e plumbing ordinance enting the violation one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$4 to the date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 0.00 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a e plumbing ordinanc enting the violation one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$4 to the date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 0.00 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a e plumbing ordinance enting the violation one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$4 to the date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 0.00 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a e plumbing ordinance enting the violation one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$4 to the date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 0.00 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a e plumbing ordinance enting the violation one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$4 to the date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 0.00 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a e plumbing ordinance enting the violation one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$4 to the date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed) | The delaye agreement, | d cost includes the calculated from the | e estimated am e date of the in | 1.77 ount to vestigat complia tering 0.00 0.00 0.00 0.00 0.00 | \$4 adopt an adequate ion initially docum ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a e plumbing ordinance enting the violation one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$4 to the date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| Screening Date Respondent | 7-Feb-2024 MIDWAY WATER UTILITIES, 3 | Docket No. 2024-0215-MLM-E INC. (PCW No. 1 of 2) | PCW Policy Revision 5 (January 28, 2021) |
|----------------------------------|---|---|--|
| Case ID No. | 65399 | | PCW Revision February 11, 2021 |
| Reg. Ent. Reference No. Media | RN101265213 Public Water Supply | | |
| Enf. Coordinator | | | |
| Violation Number | | | |
| Rule Cite(s) | 30 Te | ex. Admin. Code § 290.44(a)(4) | |
| Violation Description | no case less than 24 inches | nission and distribution lines below the frost line below the ground surface. Specifically, the raw pution line leaving the plant were sitting above gr | water |
| | | Base P | enalty \$5,000 |
| >> Environmental, Prope | rty and Human Health | Matrix | |
| Release | Harm Major Moderate | Minor | |
| OR Actual | | | |
| Potentia | x | Percent 30.0% | |
| >>Programmatic Matrix | | | |
| Falsification | Major Moderate | Minor | |
| | | Percent 0.0% | |
| | | es below the frost line could result in its damage d water which would exceed levels protective of h health. | |
| | | Adjustment | \$3,500 |
| | | | \$1,500 |
| Violation Events | | | |
| | Violation Events | 9 Number of violation day | /5 |
| | daily weekly monthly x quarterly semiannual annual | Violation Base P | enalty \$1,500 |
| | single event | | |
| One monthly | | lated from the January 29, 2024 record review d 7, 2024 screening date. | ate to |
| Good Faith Efforts to Com | 0.0% | Dor | duction \$0 |
| | | NOE/NOV to EDPRP/Settlement Offer | |
| | | ent does not meet the good faith criteria for this violation. | |
| | | Violation Su | ibtotal \$1,500 |
| Economic Benefit (EB) for | r this violation | Statutory Limit Te | est |
| Estimat | ed EB Amount | \$224 Violation Final Penalty | y Total \$1,653 |
| | This vio | lation Final Assessed Penalty (adjusted for l | limits) \$1,653 |

| Case ID No. | | ER UTILITIES, INC | (PCW NO. 1 OF | 2) | | | |
|--|---------------------------|--|--|--|--|---|---|
| leg. Ent. Reference No. | | 3 | | | | | |
| | Public Water S | | | | | Percent Interest | Years of Depreciation |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| | | | | | | | |
| Delayed Costs | | | | - | | | |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| | | | | | | | |
| Permit Costs Other (as needed) | \$1,500 | 26-Apr-2022 | 22-Apr-2025 | 0.00 2.99 | \$0 \$224 | n/a n/a | \$0 \$224 |
| | The delaye | ed cost includes the | e estimated amo | 2.99 ount to | \$224 relocate distributic | | \$224 less than 24 |
| Other (as needed) Notes for DELAYED costs | The delaye inches belo | ed cost includes the w the ground surfa | e estimated amo ace, calculated f violation to the e | 2.99 punt to from the estimate | \$224 relocate distributic e date of the inves ed date of complian | n/a on water lines to no tigation initially docu nce. | \$224 less than 24 umenting the |
| Other (as needed) Notes for DELAYED costs Avoided Costs | The delaye inches belo | ed cost includes the w the ground surfa | e estimated amo ace, calculated f violation to the e | 2.99 punt to rom the estimate | \$224 relocate distributic e date of the inves ed date of complian item (except for | n/a on water lines to no tigation initially docu nce. • one-time avoide | \$224 less than 24 umenting the |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal | The delaye inches belo | ed cost includes the w the ground surfa | e estimated amo ace, calculated f violation to the e | 2.99 punt to rom the estimate tering 0.00 | \$224 relocate distributic e date of the invest ed date of complian item (except for \$0 | n/a n water lines to no tigation initially doc nce. one-time avoide \$0 | \$224 less than 24 umenting the d costs) \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel | The delaye inches belo | ed cost includes the w the ground surfa | e estimated amo ace, calculated f violation to the e | 2.99 punt to rom the estimate tering 0.00 0.00 | \$224 relocate distribution e date of the invest ad date of complian item (except for \$0 \$0 | n/a n water lines to no tigation initially docu nce. one-time avoided \$0 \$0 | \$224 less than 24 umenting the d costs) \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling | The delaye inches belo | ed cost includes the w the ground surfa | e estimated amo ace, calculated f violation to the e | 2.99 ount to rom the estimate tering 0.00 0.00 0.00 | \$224 relocate distribution date of the invested date of complian item (except for \$0 \$0 \$0 | n/a n water lines to no tigation initially docu- nce. one-time avoided \$0 \$0 \$0 | \$224 less than 24 umenting the f costs) \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | The delaye inches belo | ed cost includes the w the ground surfa | e estimated amo ace, calculated f violation to the e | 2.99 2.00 | \$224 relocate distribution date of the invested date of complian item (except for \$0 \$0 \$0 \$0 \$0 \$0 | n/a n water lines to no tigation initially docu- nce. one-time avoide \$0 \$0 \$0 \$0 \$0 | \$224 less than 24 umenting the s0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delaye inches belo | ed cost includes the w the ground surfa | e estimated amo ace, calculated f violation to the e | 2.99 2.00 | \$224 relocate distribution e date of the invest ed date of complian item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a on water lines to no tigation initially docu- nce. one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$224 less than 24 umenting the \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delaye inches belo | ed cost includes the w the ground surfa | e estimated amo ace, calculated f violation to the e | 2.99 2.00 2.00 0.00 | \$224 relocate distribution e date of the invest ed date of complian item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a on water lines to no tigation initially docu- nce. • one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$224 less than 24 umenting the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delaye inches belo | ed cost includes the w the ground surfa | e estimated amo ace, calculated f violation to the e | 2.99 2.00 | \$224 relocate distribution e date of the invest ed date of complian item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a on water lines to no tigation initially docu- nce. one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$224 less than 24 umenting the f costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delaye inches belo | ed cost includes the w the ground surfa | e estimated amo ace, calculated f violation to the e | 2.99 2.00 2.00 0.00 | \$224 relocate distribution e date of the invest ed date of complian item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a on water lines to no tigation initially docu- nce. • one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$224 less than 24 umenting the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| Reg. | R | ase ID No. erence No. | MIDWAY WATER UTILITIES, | | 2024-0215-MLM-E | PCW Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 |
|---------|-----------|---------------------------------------|---|---|-------------------------|---|
| | - | oordinator | Kaisie Hubschmitt | | | |
| | Viola | ation Number | 12 | | | |
| | | Rule Cite(s) | 30 |) Tex. Admin. Code § 290 | .42(I) | |
| | Violatio | n Description | Failed to compile and main for | tain a thorough and up-to operator review and refe | | nanual |
| | | | | | Base Po | enalty \$5,000 |
| >> Env | vironme | ntal, Prope | rty and Human Health | n Matrix | | |
| OR | | Release Actual Potential | Harm Major Moderate | Minor | Percent 0.0% | |
| | aramme | tic Matrix | | | | |
| >>PT0 | grannia | Falsification | Major Moderate | Minor | Percent 20.0% | |
| | Matrix | | 100% of the rul | e requirements were not | met | |
| | Notes | | | | | |
| | | | | Ad | justment | \$4,000 |
| | | | | | | \$1,000 |
| Violati | on Even | te | | | | |
| VIOIALI | | | /iolation Events 1 | 3 | Number of violation day | S |
| | | | daily weekly monthly quarterly semiannual annual single event x | | Violation Base Po | enalty \$1,000 |
| | | | One single | e event is recommended. | | |
| Good F | aith Effe | orts to Com | ply 25.0% | | Red | luction \$250 |
| | | | Before NOE/NOV Extraordinary Ordinary x | NOE/NOV to EDPRP/Settleme | | |
| | | | N/A Notes | ondent achieved complian 2024. | ce on February 1, | |
| | | | | | Violation Su | btotal \$750 |
| Econor | nic Bene | efit (EB) for | this violation | | Statutory Limit Te | est |
| | | Estimate | ed EB Amount | \$16 | Violation Final Penalty | Total \$890 |
| | | | This vio | olation Final Assessed | Penalty (adjusted for I | imits) \$890 |

| Respondent | MIDWAY WAT | ER UTILITIES, INC | C. (PCW No. 1 of | f 2) | | | |
|---|--------------------------|---|--|---|---|--|--|
| Case ID No. | 65399 | | | | | | |
| Reg. Ent. Reference No. | RN101265213 | | | | | | |
| Media | Public Water S | | | | | Percent Interest | Years of |
| Violation No. | 12 | | | | | | Depreciation |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| Item Description | | | | | | | |
| Delayed Costs | | | | | | | |
| Delayed Costs | r | <u> </u> | | 0.00 | \$0 | \$0 | \$0 |
| Equipment Buildings | | | | 0.00 | \$0 | \$0 \$0 | <u>\$0</u> \$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 | m / m | ¢0 |
| | | | | 0.00 | \$ 0 | n/a | \$0 |
| Other (as needed) | \$180 The delayed | 26-Apr-2022 | 1-Feb-2024 estimated amou | 1.77 | \$16 | n/a n/a | \$16 |
| Other (as needed) | The delayed operations n | cost includes the e nanual, calculated | estimated amou from the date c dat | 1.77 nt to de of the in e of cor | \$16 velop and maintain vestigation initially npliance. | n/a n a thorough and up r documenting the v | \$16 o-to-date plant iolation to the |
| Other (as needed) | The delayed operations n | cost includes the e nanual, calculated | estimated amou from the date c dat | 1.77 nt to de of the in e of cor tering | \$16 velop and maintain vestigation initially npliance. item (except for | n/a n a thorough and up documenting the v one-time avoided | \$16 o-to-date plant iolation to the d costs) |
| Other (as needed) | The delayed operations n | cost includes the e nanual, calculated | estimated amou from the date c dat | 1.77 Int to de of the in te of cor tering 0.00 | \$16 velop and maintain vestigation initially npliance. item (except for \$0 | n/a n a thorough and up documenting the v one-time avoided \$0 | \$16 p-to-date plant iolation to the d costs) \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel | The delayed operations n | cost includes the e nanual, calculated | estimated amou from the date c dat | 1.77 Int to de of the in te of cor tering 0.00 | \$16 velop and maintain vestigation initially npliance. item (except for \$0 \$0 | n/a n a thorough and up documenting the v one-time avoided \$0 \$0 | \$16 p-to-date plant iolation to the d costs) \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling | The delayed operations n | cost includes the e nanual, calculated | estimated amou from the date c dat | 1.77 nt to de of the in te of cor tering 0.00 0.00 0.00 | \$16 velop and maintail vestigation initially npliance. item (except for \$0 \$0 \$0 | n/a n a thorough and up documenting the v one-time avoided \$0 \$0 \$0 | \$16 p-to-date plant iolation to the d costs) \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment | The delayed operations n | cost includes the e nanual, calculated | estimated amou from the date c dat | 1.77 nt to de of the in te of cor tering 0.00 0.00 0.00 0.00 | \$16 velop and maintain vestigation initially npliance. item (except for \$0 \$0 \$0 \$0 \$0 | n/a n a thorough and up documenting the v one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 | \$16 p-to-date plant iolation to the d costs) \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed operations n | cost includes the e nanual, calculated | estimated amou from the date c dat | 1.77 nt to de of the in te of cor tering 0.00 0.00 0.00 0.00 0.00 | \$16 velop and maintain vestigation initially npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n a thorough and up documenting the v one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$16 p-to-date plant iolation to the d costs) \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed operations n | cost includes the e nanual, calculated | estimated amou from the date c dat | 1.77 nt to de of the in e of cor tering 0.00 0.00 0.00 0.00 0.00 0.00 | \$16 velop and maintain vestigation initially npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n a thorough and up documenting the v one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$16 -to-date plant iolation to the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed operations n | cost includes the e nanual, calculated | estimated amou from the date c dat | 1.77 nt to de of the in te of cor tering 0.00 0.00 0.00 0.00 0.00 | \$16 velop and maintain vestigation initially npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n a thorough and up documenting the v one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$16 -to-date plant iolation to the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed operations n | cost includes the e nanual, calculated | estimated amou from the date c dat | 1.77 nt to de of the in e of cor tering 0.00 0.00 0.00 0.00 0.00 0.00 | \$16 velop and maintain vestigation initially npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n a thorough and up documenting the v one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$16 -to-date plant iolation to the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| | R | ening Date espondent ase ID No. | MIDWAY WATE | R UTILITIES, I | | lo. 1 of 2) | 2024-0215- | -MLM-E | | PCW evision 5 (January 28, 20 Revision February 11, 2 | 021) |
|----------|-----------------|---------------------------------------|---|--|--|----------------------------------|--|-------------|------------------------|---|------|
| Reg. I | Enf. C | Media oordinator | RN101265213 Public Water Su Kaisie Hubschm | | | | | | | | |
| | Viola | tion Number Rule Cite(s) | 13 | 30 Te | ex. Admin. C | ode § 290.44 | (h)(4) | | | | |
| | Violation | n Description | | ual basis by a rating within s marina ice ma | recognized pecifications achine, and t | backflow asse . Specifically, | embly tester BPAs at the er treatmen | and cert | ified that ant, the | | |
| | | | | | | | | Base | e Penalty | \$5,0 | 000 |
| >> Env | ironme | ntal, Prope | rty and Hum | an Health _{Harm} | Matrix | | | | | | |
| OR | | Release Actual Potential | Major X | Moderate | Minor |] | Percent | 30.0% | | | |
| >>Prog | gramma | tic Matrix Falsification | Major | Moderate | Minor |] | Percent | 0.0% | | | |
| | Matrix Notes | | st BPAs on an ar n a reverse flow | of contamina | | into the wate | | | | | |
| | | | | | | Adj | ustment | | \$3,500 | | |
| | | | | | | | | | [| \$1,5 | 500 |
| Violatio | on Event | | /iolation Events daily weekly monthly | 1 | 1 | 9 | Number of v | violation (| days | | |
| | | | quarterly semiannual annual single event | | | | Violat | ion Base | e Penalty | \$1,! | 500 |
| | | One monthly | event is recomr | nended, calcu the February | | | 9, 2024 reco | ord review | v date to | | |
| Good Fa | aith Effo | orts to Com | | 0.0% efore NOE/NOV | | DPRP/Settlemer | at Offer | I | Reduction | | \$0 |
| | | | ۵ Extraordinary Ordinary N/A | | | | | | | | |
| | | | Notes | The Respond | | t meet the go violation. | od faith crit | eria for | | | |
| | | | | | | | V | liolation | Subtotal | \$1,5 | 500 |
| Econom | nic Bene | fit (EB) for | this violatio | on | | _ | Statutor | y Limit | Test | | |
| | | Estimate | ed EB Amount | | \$153 |] v | iolation Fi | nal Pena | ity Total | \$1,6 | 653 |
| | | | | This vio | lation Final | Assessed P | enalty (ad | justed fo | or limits) | \$1,6 | 653 |

| Case ID No. eg. Ent. Reference No. | 65399 RN101265213 Public Water S | Supply | | _, | | | |
|--|--|--|---------------------------------|---|--|--|--|
| eg. Ent. Reference No. Media Violation No. Item Description | RN101265213 Public Water S 13 | Supply | | | | | |
| Media Violation No. Item Description | Public Water 9 13 | Supply | | | | | |
| Violation No. | 13 | | | | | | |
| Item Description | | | | | | Percent Interest | Years of |
| | Item Cost | | | | | | Depreciation |
| | Item Cost | | | | | 5.0 | 15 |
| | | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| | | | | | | | |
| Delayed Costs | | | | | | | |
| Delayed Costs | | | | | | | |
| | | | | 1 | 1.0 | 1.0 | |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | <u>\$0</u> \$0 | \$0 \$0 | \$0 \$0 |
| Engineering/Construction | | | | 0.00 | \$0 \$0 | \$0 n/a | \$0 \$0 |
| Land 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 00 | \$0 | . | |
| Other (as needed) | | s needed) delayed | | | | n/a n/a st the BPAs (\$31 x | \$0 \$18 four locations), |
| Other (as needed) Notes for DELAYED costs | The Other (as calculated f | s needed) delayed rom the date of th | cost includes the investigation | 2.90 e estim initially o complia | \$18 ated amount to te documenting the v ince. | n/a n/a st the BPAs (\$31 x iolation to the estin | \$0 <u>\$18</u> four locations), nated date of |
| | The Other (as calculated f | s needed) delayed rom the date of th | cost includes the investigation | 2.90 e estim initially o complia | \$18 ated amount to te documenting the v ince. | n/a n/a st the BPAs (\$31 x | \$0 \$18 four locations), nated date of |
| Notes for DELAYED costs | The Other (as calculated f | s needed) delayed rom the date of th | cost includes the investigation | 2.90 e estim initially o complia | \$18 ated amount to te documenting the v ince. | n/a n/a st the BPAs (\$31 x iolation to the estin | \$0 <u>\$18</u> four locations), nated date of |
| Notes for DELAYED costs Avoided Costs | The Other (as calculated f | s needed) delayed rom the date of th | cost includes the investigation | 2.90 e estim initially o complia tering 0.00 0.00 | \$18 ated amount to te documenting the v ince. item (except for \$0 \$0 | n/a n/a st the BPAs (\$31 x iolation to the estin one-time avoided \$0 \$0 | \$0 \$18 four locations), nated date of 1 costs) \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | The Other (as calculated f | s needed) delayed rom the date of th | cost includes the investigation | 2.90 nitially of complia tering 0.00 0.00 0.00 | \$18 ated amount to te documenting the v ince. item (except for \$0 \$0 \$0 | n/a n/a st the BPAs (\$31 x iolation to the estin one-time avoided \$0 \$0 \$0 | \$0 \$18 four locations), nated date of i costs) \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | The Other (as calculated f | s needed) delayed rom the date of th | cost includes the investigation | 2.90 e estim complia tering 0.00 0.00 0.00 | \$18 ated amount to te documenting the v ince. item (except for \$0 \$0 \$0 \$0 \$0 | n/a n/a st the BPAs (\$31 x violation to the estin one-time avoided \$0 \$0 \$0 \$0 \$0 | \$0 \$18 four locations), nated date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The Other (as calculated f | ALIZE avoided of the second se | cost includes the investigation | 2.90 e estim initially o complia tering 0.00 0.00 0.00 0.00 0.00 | \$18 ated amount to te documenting the v ince. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a n/a st the BPAs (\$31 x iolation to the estin one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$18 four locations), nated date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | The Other (as calculated f | s needed) delayed rom the date of th | cost includes the investigation | 2.90 e estim complia tering 0.00 0.00 0.00 | \$18 ated amount to te documenting the v ince. item (except for \$0 \$0 \$0 \$0 \$0 | n/a n/a st the BPAs (\$31 x violation to the estin one-time avoided \$0 \$0 \$0 \$0 \$0 | \$0 \$18 four locations), nated date of 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 |

| S COMMISSION | Policy R | Pe evision 5 (January 28 | • | Calculation | n Worksh | neet (PC | - | vision February | 11, 2021 |
|--------------|--------------------------------|--|----------------------|-----------------------|----------------------|---------------|----------------|-----------------|-------------|
| DATES | Assigned | 5-Feb-2024 | | | | | | | |
| | PCW | 26-Feb-2024 | Screening | 7-Feb-2024 | EPA Due | | 1 | | |
| | | | | | | | - | | |
| RESPO | | TY INFORMATI | | | | | | | 1 |
| Bog | Respondent g. Ent. Ref. No. | MIDWAY WATER | UTILITIES, | INC. (PCW No. 2 | 2 of 2) | | | | |
| | | 4-Dallas/Fort Wo | orth | | Major/M | linor Source | Minor | | |
| raciii | cy/ Site Region | - Dullus/Fore we | | | hajor/h | mor Source | 1-IIIIOI | | |
| CASE I | NFORMATION | | | | | | | | |
| En | f./Case ID No. | | | | No. c | of Violations | | | |
| | | 2024-0215-MLM | -E | | _ | Order Type | | | |
| Med | lia Program(s) | | | | Government | • | | | |
| | Multi-Media | Public Water Sup | oply | | Enf. | | Kaisie Hubsch | | |
| ۸dr | nin. Penalty \$ I | imit Minimum | \$0 | Maximum | \$5,000 | EC S Team | Enforcement | leam 5 | İ |
| Aui | iiiii. Penaity și | | φU | Maximum | \$3,000 | | | | |
| | | | Dona | Ity Calculat | ion Socti | <u>n</u> | | | |
| | | | | , | | JII | | | |
| ΤΟΤΑ | L BASE PENA | LTY (Sum of | violation | n base penalt | ies) | | Subtotal 1 | | \$500 |
| | STMENTS (+ | /-) TO SUBTO | TAL 1 | | | | | | |
| ADJU. | Subtotals 2-7 are of | ptained by multiplying | the Total Base | e Penalty (Subtotal 1 |) by the indicated p | ercentage. | | | |
| | Compliance Hi | | | 30.0% | Adjustment | | tals 2, 3, & 7 | | \$150 |
| | _ | Enhancement | for five NOV | s with dissimilar | violations and | one agreed | | | |
| | Notes | Linancement | | taining a denial o | | one agreed | | | |
| | | | | | n nabincy. | |] | | |
| | Culpability | No | | 0.0% | Enhancement | | Subtotal 4 | | \$0 |
| | | | | | | | | | |
| | Notes | The Re | spondent do | bes not meet the | culpability crite | eria. | | | |
| | | | | | | |] | | |
| | Good Faith Eff | ort to Comply T | otal Adjust | ments | | | Subtotal 5 | | -\$125 |
| | Good Faith En | ore to comply i | | inchts | | | Subtotal S | | |
| | | | | | | | | | |
| | Economic Ben | | | | Enhancement* | A | Subtotal 6 | | \$0 |
| | Estimated | Total EB Amounts Cost of Compliance | <u>\$32</u> \$360 | *Capped | at the Total EB \$ / | Amount | | | |
| | | | \$300 | | | | | | |
| SUM (| OF SUBTOTA | LS 1-7 | | | | E | inal Subtotal | | \$525 |
| | | | | | | | | | |
| | | AS JUSTICE M | | | -19.0% | | Adjustment | | -\$100 |
| Reduces of | or enhances the Final | Subtotal by the indi | | | | | 1 | | |
| | | | | offset the portio | | | | | |
| | Notes | adjustment o | | e Agreed Order t | | rior to the | | | |
| | | | ch | ange in ownersh | ip. | 51 | | | + 425 |
| | | | | | | Final Pen | alty Amount | | \$425 |
| STATI | | | лт | | | Einal Acco | ssed Penalty | | \$425 |
| STAR | | | • • | | | Filidi ASSE | sseu Penalty | | φτzJ |
| DEFE | RAI | | | | 20.0% | Reduction | Adjustment | | -\$85 |
| | | enalty by the indicated | d percentage. | | 20.0 /0 | Reduction | Aujustineitt | | 40 0 |
| | | | | | | |] | | |
| | Notes | [| Deferral offe | red for expedited | settlement. | | | | |
| | | | | | | | | | |
| | | | | | | | • | | |
| PAYA | BLE PENALT | Y | | | | | | | \$340 |
| | | | | | | | | | |

| | 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 | 5 | 10% |
| | | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 1 | 20% |
| | Orders | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| | Judgments and Consent | 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% |
| | Decrees | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | | 0% |
| | Convictions | Any criminal convictions of this state or the federal government (number of $counts$) | 0 | 0% |
| | Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| | Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | | 0% |
| | Addits | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | | 0% |
| | | | | |
| | | Environmental management systems in place for one year or more | No | 0% |
| | Other | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | | 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 Pe | rcentage (Sub | ototal 2) |
| Re | epeat Violator | (Subtotal 3) | | |
| | No | Adjustment Pe | rcentage (Sub | total 3) |
| Co | mpliance Hist | bry Person Classification (Subtotal 7) | | |
| | Satisfactory | | rcentage (Sub | total 7) |
| > Co | mpliance Hist | ory Summary | | |
| | Compliance History Notes | Enhancement for five NOVs with dissimilar violations and one agreed order conta liability. | ining a denial of | |
| | | Total Compliance History Adjustment Deventage (| Cubtotola 2 | → |
| > Fina | al Compliance | Total Compliance History Adjustment Percentage (History Adjustment | Subtotais 2, | 3, & 7) |

Screening Date 7-Feb-2024 Docket No. 2024-0215-MLM-E Respondent MIDWAY WATER UTILITIES, INC. (PCW No. 2 of 2) 0 Case ID No. 65399 8N101265213

Media Water Rights

Enf. Coordinator Kaisie Hubschmitt

Component Number of...

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

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Adjust.

Number

PCW

| | | ening Date | | | | cket No. 2024-02 | 15-MLM-E | | | PCW |
|----------|-----------------|--------------------------|-------------------------|------------------------|---------------|---|-----------------|---------|--------------|------------------|
| | | espondent ase ID No. | MIDWAY WATE | R UTILITIES, | INC. (PCW N | lo. 2 of 2) | | | | anuary 28, 2021) |
| Rea. | | | RN101265213 | | | | | PCV | V Revision F | ebruary 11, 2021 |
| | | Media | Water Rights | | | | | | | |
| | | oordinator | Kaisie Hubschm | nitt | | | | | | |
| | VIOIA | | | | 00.20(-) | | Tau Watan C | | | |
| | | Rule Cite(s) | 30 Tex. Adm | in. Code §§ 2 | | d 288.30(5)(B), and 272(c) | Tex. Water Co | bae g | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | Violatio | n Description | Failed to ad | | | y plan which include iil public water supp | | for | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | Base P | enalty | | \$5,000 |
| >> Env | vironme | ntal, Prope | rty and Hum | an Health | Matrix | | | | | |
| | | | _ | Harm | | | | | | |
| OR | | Release Actual | Major | Moderate | Minor | | | | | |
| | | Potential | | | | Percent | t 0.0% | | | |
| >>Pro | aramma | tic Matrix | | | | | | | | |
| ~~FI0 | grannia | Falsification | Major | Moderate | Minor | | | | | |
| | | | x | | | Percent | 10.0% | | | |
| | | | | | | | | | | |
| | Matrix Notes | | 100% | % of the rules | requirement | ts were not met. | | | | |
| | | | | | | | | | | |
| | | | | | | Adjustmen | t | \$4,500 | | |
| | | | | | | | | | | \$500 |
| | | | | | | | | | | + |
| Violatio | on Event | ts | | | | | | | | |
| | | Number of V | iolation Events | 1 |] [| 3 Number | of violation da | ys | | |
| | | | daily | | ה | | | | | |
| | | | weekly | | j | | | | | |
| | | | monthly | | | Via | lation Dags D | | | ¢500 |
| | | | quarterly semiannual | | | VIO | lation Base P | enalty | | \$500 |
| | | | annual | | | | | | | |
| | | | single event | X | <u>]</u> | | | | | |
| | | | | | | | | | | |
| | | | | One single | event is reco | mmended. | | | | |
| | | | - | | 1 | | | | | |
| Good F | aith Effo | orts to Com | | 25.0% efore NOE/NOV | | DPRP/Settlement Offer | Re | duction | | \$125 |
| | | | Extraordinary | | | | | | | |
| | | | Ordinary | Х | | | | | | |
| | | | N/A | | <u> </u> | | | | | |
| | | | Notes | The Respor | | ed compliance on Fe 2024. | bruary 1, | | | |
| | | | | | | | | | | |
| | | | | | | | Violation Su | ubtotal | | \$375 |
| Econon | nic Bene | efit (EB) for | this violatio | on | | Statut | ory Limit T | est | | |
| | | | | - | *33 | | _ | | | ± 405 |
| | | Estimate | ed EB Amount | | \$32 | | Final Penalty | | | \$425 |
| | | | | This viola | tion Final A | ssessed Penalty (| adjusted for | limits) | | \$425 |

| | MIDWAY WAT | ER UTILITIES, INC | C. (PCW No. 2 of | f 2) | | | |
|---|----------------------|--|--|--|--|---|---|
| Case ID No. | 65399 | | | | | | |
| leg. Ent. Reference No. | | | | | | | |
| | Water Rights | | | | | | Years of |
| Violation No. | - | | | | | Percent Interest | Depreciation |
| violation No. | 1 | | | | | | |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
| Item Description | | | | | | | |
| - | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | 1 | | | 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) | \$360 The delayed | 26-Apr-2022 | 1-Feb-2024 estimated amou | 1.77 | \$32 | n/a | \$32 |
| Notes for DELAYED costs | The delayed from th | cost includes the e le date of the inve | estimated amoun stigation initially | nt to dra y docum | aft and adopt a dro nenting the violatio | n/a ought contingency p n to the date of con | \$32 lan, calculated npliance. |
| Notes for DELAYED costs | The delayed from th | cost includes the e le date of the inve | estimated amoun stigation initially | nt to dra y docum | aft and adopt a dro enting the violatio item (except for | n/a ought contingency p n to the date of con one-time avoided | \$32 Ilan, calculated npliance. d costs) |
| Notes for DELAYED costs Avoided Costs Disposal | The delayed from th | cost includes the e le date of the inve | estimated amoun stigation initially | nt to dra docum tering | aft and adopt a dro nenting the violatio item (except for \$0 | n/a pught contingency p n to the date of con one-time avoide \$0 | \$32 Ilan, calculated npliance. d costs) \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | The delayed from th | cost includes the e le date of the inve | estimated amoun stigation initially | nt to dra y docum tering 0.00 | aft and adopt a dro penting the violatio item (except for \$0 \$0 | n/a pught contingency p n to the date of con one-time avoided \$0 \$0 | \$32 plan, calculated npliance. d costs) \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling | The delayed from th | cost includes the e le date of the inve | estimated amoun stigation initially | nt to dra y docum tering 0.00 0.00 0.00 | aft and adopt a dro enting the violatio item (except for \$0 \$0 \$0 | n/a pught contingency p n to the date of con one-time avoided \$0 \$0 \$0 \$0 | \$32 plan, calculated npliance. f costs) \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment | The delayed from th | cost includes the e le date of the inve | estimated amoun stigation initially | nt to dra y docum tering 0.00 0.00 0.00 0.00 | aft and adopt a dro enting the violatio item (except for \$0 \$0 \$0 \$0 | n/a pught contingency p n to the date of con cone-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$32 lan, calculated npliance. d costs) \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed from th | cost includes the e le date of the inve | estimated amoun stigation initially | nt to dra y docum 0.00 0.00 0.00 0.00 0.00 | aft and adopt a dro enting the violatio item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a pught contingency p n to the date of con cone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$32 Ilan, calculated npliance. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed from th | cost includes the e le date of the inve | estimated amoun stigation initially | nt to dra y docum tering 0.00 0.00 0.00 0.00 0.00 0.00 | aft and adopt a dro nenting the violatio item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a pught contingency p n to the date of con cone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$32 Ilan, calculated npliance. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance | The delayed from th | cost includes the e le date of the inve | estimated amoun stigation initially | nt to dra y docum 0.00 0.00 0.00 0.00 0.00 | aft and adopt a dro enting the violatio item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a pught contingency p n to the date of con cone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$32 Ilan, calculated npliance. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs | The delayed from th | cost includes the e le date of the inve | estimated amoun stigation initially | nt to dra y docum tering 0.00 0.00 0.00 0.00 0.00 0.00 | aft and adopt a dro nenting the violatio item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | n/a pught contingency p n to the date of con cone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$32 Ilan, calculated npliance. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

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



Compliance History Report

Compliance History Report for CN600663579, RN101265213, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

| Customer, Respondent, or Owner/Operator: | CN600663579, MIDWAY WATER UT INC. | ILITIES, Classification: SATISFACT | ORY Rating: 2.62 | | |
|--|--|--|-------------------------|--|--|
| Regulated Entity: | RN101265213, CLIFFS THE | Classification: HIGH | Rating: 0.00 | | |
| Complexity Points: CH Group: | 3 14 - Other | Repeat Violator: NO | | | |
| Location: | 8615 TEXAS HIGHWAY 16 NEAR GF | RAFORD, PALO PINTO COUNTY, TEXAS | | | |
| TCEQ Region: | REGION 04 - DFW METROPLEX | | | | |
| ID Number(s): AIR QUALITY NON PERMITTED ID NUMBER R04101265213 PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 67095 CLEAN WATER CERTIFICATION PROGRAM ID NUMBER POS550 CLEAN WATER CERTIFICATION PROGRAM ID NUMBER POS562 Compliance History Period: September 01, 2018 to August | | PUBLIC WATER SYSTEM/SUPPLY RE 1820061 CLEAN WATER CERTIFICATION PRO POS564 CLEAN WATER CERTIFICATION PRO POS563 31, 2023 Rating Year: 2023 | OGRAM ID NUMBER | | |
| Date Compliance History Report Prepared: August 07, 2024 | | | | | |
| Agency Decision Requiri | ng Compliance History: Enfo | prcement | | | |
| Component Period Selec | ted: August 07, 2019 to August | 07, 2024 | | | |
| TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History. | | | | | |
| Name: Kaisie Hubschm | litt | Phone: (512) 239-14 | 82 | | |
| , | ator History: ice and/or operation for the full five- change in ownership/operator of the | , , , | YES YES | | |

 3) Who is the current owner/operator?
 3) Who is the current owner/operator?
 The Cliffs Resort, Inc. OWNER OPERATOR since 1/11/2007 Young County Butane, Inc. OWNER since 1/23/1997 Midway Water Utilities, Inc. OWNER since 11/16/2020 AC BLUFF CREEK MARINA, LLC OWNER since 12/9/2021
 4) Who was (wore the prior owner(s)/operator(s)?

4) Who was/were the prior owner(s)/operator(s)?AC Cliffs Marina, LLC, OWNER, 1/3/2020 to 12/8/2021
Double Diamond Utilities Co., OWNER, 10/19/2006 to 11/15/2020
Double Diamond, Inc., OWNER, 4/6/2018 to 1/3/2020

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

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

 1
 Effective Date:
 05/19/2020
 ADMINORDER
 2019-1518-PWS-E
 (1660 Order-Agreed Order With Denial)

 Classification:
 Moderate

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

Description: Failed to institute special precautions as described in the flowchart found in 30 TEX. ADMIN. CODE § 290.47(e) in the event of low distribution pressures and water outages, in violation of 30 TEX. ADMIN. CODE §290.46(q)(2). Specifically, on August 10, 2019, a valve closure at Spyglass Drive and Heritage Drive caused water outages, and the water system did not immediately collect the required bacteriological samples after flushing the distribution system.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events: $$N\!/\!A$$

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

Item 2 February 02, 2021 (1700869)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

| 1 | Date: 09/07/2023 (1936854) |
|---------|--|
| T | Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.111(i)(4) |
| | 5A THSC Chapter 341, SubChapter A 341.031(a) |
| | Description: SWTR Acute TT Violation 07/2023 – 3 day(s) with combined filter effluent turbidity readings above 1.0 NTU at SH 16 1 MI SW OF BRAZOS RIVER BRIDGE (TP18486). ETT Point Value = 10; Violation Determination Date = |
| | 07/31/2023 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B) 5A THSC Chapter 341, SubChapter A 341.0315(c) |
| | Description: SWTR Non-acute TT Violation 07/2023 – 55.9 % of combined filter effluent turbidity readings for the month were above 0.3 NTU at SH 16 1 MI SW OF BRAZOS RIVER BRIDGE (TP18486). ETT Point Value = 5; Violation Determination Date = 07/31/2023 |
| 2 | Date: 09/13/2023 (1930808) |
| | Self Report?NOClassification:ModerateCitation:30 TAC Chapter 290, SubChapter F 290.115(f)(1)5A THSC Chapter 341, SubChapter A 341.0315(c) |
| | Description: TTHM LRAA MCL 3Q2023 – During the 3rd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.104 mg/L at 160 Cliff DR, Graford (DBP2-01). ETT Point Value = 5 |
| 3 | Date: 09/28/2023 (1936854) |
| | Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B) |
| | Description: SWTR Non-acute TT Violation 07/2023 – Failure to meet the minimum requirements of cryptosporidium removal in the month of 07/2023 at SH 16 1 MI SW OF BRAZOS RIVER BRIDGE (TP18486). ETT Point Value = 5; Violation Determination Date = 07/13/2023 |
| 4 | Date: 12/08/2023 (1929719) |
| | Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.46(r) |
| | Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions. |
| | EIC C4 MOD(2)(G) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.44(c) |
| | Description: Failure to provide the minimum required line size for the water main serving the employee housing area. EIC C4 MOD(2)(G) |
| 5 | Date: 12/11/2023 (1944766) |
| | Self Report?NOClassification:ModerateCitation:30 TAC Chapter 290, SubChapter D 290.45(b)(2)30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F) |
| | Description: Failure to provide a minimum service pump capacity of 2.0 gpm per connection. EIC B18(c)(10) MOD(2)(G) |
| Environ | ental audits: |

F. Environmental audits:

N/A

- G. Type of environmental management systems (EMSs): $$\rm N/A$$
- H. Voluntary on-site compliance assessment dates: N/A

- I. Participation in a voluntary pollution reduction program: N/A
- J. Early compliance: N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A All NOVs Issued During Component Period 8/7/2019 and 8/7/2024

| 1 | Date: | 08/ | 07/2019 | (1575732) | | | |
|---|--------------------------------------|------|---|----------------------------------|---|--|-----------------------|
| | Self Repo Citation: | ort? | NO | | | Classification: | Moderate |
| | Descriptic | on: | 30 TAC 30 TAC | Chapter 330, S Chapter 330, S | ubChapter A 26. ubChapter A 330 ubChapter A 330 nauthorized disc | 0.15(a) | lid waste. |
| 2 | Date: | 08/ | 15/2019 | (1581511) | | | |
| | Self Repo Citation: | ort? | NO | | | Classification: | Minor |
| | Descriptic Self Repo Citation: | | | | ubChapter D 290 transmission and | D.44(a)(4) d distribution lines ad Classification: | equately. Moderate |
| | Descriptic | on: | Failure | | ubChapter D 290 priately licensed | | |
| | Self Repo Citation: | ort? | NO | 100(2)(0) | | Classification: | Moderate |
| | Descriptio | on: | Failure | | | 0.46(f)(3)(A)(i)(I) al used each day. | |
| | Self Repo Citation: | ort? | NO | | | Classification: | Minor |
| | Descriptic | on: | Failure f entry po | to monitor and | ubChapter F 290 record the disinf bution system. |).110(c)(1)(B) ectant residual of the | water at the |
| | Self Repo | ort? | NO | | | Classification: | Moderate |
| | Citation: Descriptic | on: | Failure for the second | to monitor and | |).110(c)(4)(C) ectant residual at rep east once per day. | presentative |
| | Self Repo Citation: | ort? | NO | | | Classification: | Moderate |
| | Descriptio | on: | Failure | | ubChapter D 290 prate the turbidir | | |
| | Self Repo Citation: | ort? | NO | | | Classification: | Moderate |
| | Descriptic | on: | Failure | • | ubChapter D 290 cord of flow met | D.46(f)(3)(B)(iv) ter calibrations. | |
| | Self Repo Citation: | ort? | NO | | | Classification: | Moderate |
| | Descriptio | on: | Failure | • | ubChapter A 26. prization prior to | 121(a) a discharge of indust | rial waste. |
| | Self Repo Citation: | ort? | NO | | | Classification: | Moderate |
| | Descriptio | on: | Failure | | ubChapter D 290 ater treatment p | | |
| 3 | Date: | 09/ | 12/2019 | (1590718) | | | |
| | Self Repo Citation: | ort? | NO | | | Classification: | Minor |
| | | | 30 TAC | Chanter 290 S | ubChanter D 29(| 1.46(r) | |

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Page 4
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Description: Failure to maintain a minimum pressure of 35 pounds per square inch (psi) throughout the distribution system. EIC C4 MIN(3)(C)

Date: (1590319)10/18/2019 Self Report? NO Classification: Minor Citation: 30 TAC Chapter 335, SubChapter C 335.62 30 TAC Chapter 335, SubChapter R 335.504 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11 Description: Failure to adequately conduct a hazardous waste determination. Date: 03/17/2020 (1623894)Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.44(e)(3) 30 TAC Chapter 290, SubChapter D 290.44(h)(1) Description: Failure to prevent a cross-connection between a potable water supply line and a sewer line. EIC B17 MOD(2)(G) 07/05/2022 Date: (1818965)Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B) 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i) 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii) 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii) 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv) Failure to calibrate the online and benchtop turbidimeters. Description: EIC B1 MOD(2)(E) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A) 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i) 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(ii) Failure to calibrate the benchtop pH meter once per day and verify against Description: one standard each time a sample is run. EIC B1 MOD(2)(E) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i) Description: Failure to verify the accuracy of the SL1000 at least once every 90 days. EIC B1 MOD(2)(E) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.39(j) Failure to notify the executive director prior to making any significant Description: changes to the system's treatment facilities. EIC B18(c)(2) MOD(2)(B) Self Report? Classification: Moderate NO Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C) 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vi) Failure to provide jar testing equipment. Description: EIC C4 MOD(2)(A) Self Report? Classification: NO Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(I) Description: Failure to maintain a daily record of the amount of chemicals used. EIC B3 MOD(2)(B) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I) Description: Failure to provide secondary containment for liquid chemicals.

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| Self Report? | EIC C4 MOD(2)(G) NO | Classification: | Moderate |
|---------------------------|--|--|--------------------------------|
| Citation: Description: | 30 TAC Chapter 290, SubChapter D 290.4 Failure to provide a day tank for the sodiu control instrumentation and procedures to incidents. EIC C4 MOD(2)(G) | m hypochlorite or a | |
| Self Report? Citation: | NO | Classification: | Moderate |
| Description: | 30 TAC Chapter 290, SubChapter D 290.4 Failure to have a backwash meter. EIC C4 MOD(2)(G) | 2(d)(5) | |
| Self Report? Citation: | NO | Classification: | Minor |
| Description: | 30 TAC Chapter 290, SubChapter D 290.4 Failure to flush all dead-end mains on a m EIC C4 MIN(3)(D) | | |
| Self Report? Citation: | NO | Classification: | Minor |
| Description: | 30 TAC Chapter 290, SubChapter F 290.10 Failure to collect bacteriological samples for throughout the distribution system. EIC C1 MIN(3)(A) | | locations |
| Self Report? Citation: | NO | Classification: | Minor |
| Description: | 30 TAC Chapter 290, SubChapter F 290.1 Failure to monitor for the disinfectant resident throughout the distribution system. EIC C1 MIN(3)(A) | | ve locations |
| Self Report? Citation: | NO | Classification: | Minor |
| Description: | 30 TAC Chapter 290, SubChapter D 290.4 30 TAC Chapter 290, SubChapter D 290.4 Failure to maintain the 0.1 MG ground sto condition. EIC C4 MIN(3)(D) | 6(m)(4) | l working |
| Self Report? Citation: | NO | Classification: | Minor |
| Description: | 30 TAC Chapter 290, SubChapter D 290.4 Failure to provide either a duckbill valve, a cover, or another approved device to prev other nuisances on the 0.075 MG ground s the SWTP building. EIC C4 MIN(3)(D) | a gravity-hinged and ent the entrance of | insects and |
| Self Report? Citation: | NO | Classification: | Minor |
| | 30 TAC Chapter 290, SubChapter D 290.4 30 TAC Chapter 290, SubChapter D 290.4 30 TAC Chapter 290, SubChapter D 290.4 | 6(f)(3)(C) | |
| Description: | Failure to provide a computer and softwar and maintain records. EIC B3 MIN(3)(D) | e that can record p | erformance data |
| Self Report? Citation: | NO | Classification: | Moderate |
| Description: | 30 TAC Chapter 290, SubChapter D 290.4 Failure to either have a class "C" surface w plant is in operation or provide continuous and automatic plant shutdowns and alarm ensure the water produced continues to m water standards. | vater operator onsit disinfectant residu s to summon opera | al monitoring tors so as to |
| Self Report? | EIC B17 MOD(2)(G) NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.4 Failure to maintain the pressure filters in a | | 00 |
| Description: | EIC C4 MIN(3)(D) | Classification: | Minor |
| Self Report? | | | |

| Citation: | | | |
|---|--|--|---|
| Citation. | | | |
| Description: | 30 TAC Chapter 290, SubChapt Failure to maintain one of the R | | ving condition |
| Description. | EIC C4 MIN(3)(D) | | ang condition. |
| Self Report? Citation: | NO | Classification: | Moderate |
| | 30 TAC Chapter 290, SubChapt | | |
| Description: | 30 TAC Chapter 290, SubChapt Failure to have an exception to | | HC/170-LT2 |
| 2000.190.000 | cartridge filters. EIC B3 MOD(2)(B) | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 20 TAC Chapter 200 SubChapt | -or D 200 42(d)(12) | |
| Description: | 30 TAC Chapter 290, SubChapt Failure to properly label chemic EIC C4 MIN(3)(D) | | |
| Self Report? Citation: | NO | Classification: | Moderate |
| | 30 TAC Chapter 290, SubChapt | | |
| Description: | Failure to have at least one clas at the plant at least four consec EIC C4 MOD(2)(G) | ss "B" or higher surface water cutive hours at least once eve | operator that is operator that is |
| Self Report? | NO | Classification: | Moderate |
| Citation: | | | |
| Description: | 30 TAC Chapter 290, SubChapt Failure to submit requested doo | | |
| Description | EIC B3 MOD(2)(B) | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapt | er D 290.44(a)(4) | |
| Description: | Failure to install water transmis EIC B17 MOD(2)(G) | | equately. |
| Date: 05/ | /19/2023 (1930808) | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapt | -25 = 200 + 1 = (f)(1) | |
| | 54 THSC Chapter 341, SubChapter 341, SubChapte | pter A 341.0315(c) | |
| Description: | TTHM LRAA MCL 1Q2023 – Dur | ing the 1st quarter of 2023 the location of th | |
| | | | |
| | mg/L at 160 Cliff DR, Graford (| | |
| Date: 07/ | | | |
| Self Report? | mg/L at 160 Cliff DR, Graford (| | |
| Date: 07/ Self Report? Citation: | mg/L at 160 Cliff DR, Graford (/14/2023 (1930808) NO | DBP2-01). ETT Point Value = Classification: | 5 |
| Self Report? Citation: | mg/L at 160 Cliff DR, Graford (/14/2023 (1930808) NO 30 TAC Chapter 290, SubChapt 5A THSC Chapter 341, SubChapt | DBP2-01). ETT Point Value = Classification: cer F 290.115(f)(1) pter A 341.0315(c) | 5 Moderate |
| Self Report? | mg/L at 160 Cliff DR, Graford (/14/2023 (1930808) NO 30 TAC Chapter 290, SubChapt | DBP2-01). ETT Point Value = Classification: er F 290.115(f)(1) pter A 341.0315(c) ing the 2nd quarter of 2023 t nant level for trihalomethanes | 5 Moderate he system s with a LRAA of |
| Self Report? Citation: Description: | mg/L at 160 Cliff DR, Graford (/14/2023 (1930808) NO 30 TAC Chapter 290, SubChapt 5A THSC Chapter 341, SubChap TTHM LRAA MCL 2Q2023 – Dur violated the maximum contami | DBP2-01). ETT Point Value = Classification: er F 290.115(f)(1) pter A 341.0315(c) ing the 2nd quarter of 2023 t nant level for trihalomethanes | 5 Moderate he system s with a LRAA of |
| Self Report? Citation: Description: Date: 09/ Self Report? | mg/L at 160 Cliff DR, Graford (/14/2023 (1930808) NO 30 TAC Chapter 290, SubChapt 5A THSC Chapter 341, SubChapt TTHM LRAA MCL 2Q2023 – Dur violated the maximum contami 0.108 mg/L at 160 Cliff DR, Gra | DBP2-01). ETT Point Value = Classification: er F 290.115(f)(1) pter A 341.0315(c) ing the 2nd quarter of 2023 t nant level for trihalomethanes | 5 Moderate he system s with a LRAA of |
| Self Report? Citation: Description: Date: 09/ | mg/L at 160 Cliff DR, Graford (/14/2023 (1930808) NO 30 TAC Chapter 290, SubChapt 5A THSC Chapter 341, SubChapt TTHM LRAA MCL 2Q2023 – Dur violated the maximum contami 0.108 mg/L at 160 Cliff DR, Gra | DBP2-01). ETT Point Value = Classification: er F 290.115(f)(1) pter A 341.0315(c) ring the 2nd quarter of 2023 t nant level for trihalomethanes aford (DBP2-01). ETT Point Va Classification: | 5 Moderate he system s with a LRAA of alue = 5 |
| Self Report? Citation: Description: Date: 09/ Self Report? | mg/L at 160 Cliff DR, Graford (/14/2023 (1930808) NO 30 TAC Chapter 290, SubChapt 5A THSC Chapter 341, SubChapt TTHM LRAA MCL 2Q2023 – Dur violated the maximum contami 0.108 mg/L at 160 Cliff DR, Gra /07/2023 (1936854) NO | DBP2-01). ETT Point Value = Classification: er F 290.115(f)(1) pter A 341.0315(c) ring the 2nd quarter of 2023 t nant level for trihalomethanes aford (DBP2-01). ETT Point Va Classification: er F 290.111(i)(4) | 5 Moderate he system s with a LRAA of alue = 5 |
| Self Report? Citation: Description: Date: 09/ Self Report? | mg/L at 160 Cliff DR, Graford (/14/2023 (1930808) NO 30 TAC Chapter 290, SubChapt 5A THSC Chapter 341, SubChapt TTHM LRAA MCL 2Q2023 – Dur violated the maximum contami 0.108 mg/L at 160 Cliff DR, Gra /07/2023 (1936854) NO 30 TAC Chapter 290, SubChapt | DBP2-01). ETT Point Value = Classification: ter F 290.115(f)(1) pter A 341.0315(c) ring the 2nd quarter of 2023 t nant level for trihalomethanes aford (DBP2-01). ETT Point Va Classification: ter F 290.111(i)(4) pter A 341.031(a) 123 – 3 day(s) with combined FU at SH 16 1 MI SW OF BRAZ | 5 Moderate he system s with a LRAA of alue = 5 Moderate filter effluent ZOS RIVER |
| Self Report? Citation: Description: Date: 09/ Self Report? Citation: | mg/L at 160 Cliff DR, Graford (/14/2023 (1930808) NO 30 TAC Chapter 290, SubChapt 5A THSC Chapter 341, SubChapt TTHM LRAA MCL 2Q2023 – Dur violated the maximum contami 0.108 mg/L at 160 Cliff DR, Gra /07/2023 (1936854) NO 30 TAC Chapter 290, SubChapt 5A THSC Chapter 341, SubChapt SWTR Acute TT Violation 07/20 turbidity readings above 1.0 NT BRIDGE (TP18486). ETT Point N | DBP2-01). ETT Point Value = Classification: ter F 290.115(f)(1) pter A 341.0315(c) ring the 2nd quarter of 2023 t nant level for trihalomethanes aford (DBP2-01). ETT Point Va Classification: ter F 290.111(i)(4) pter A 341.031(a) 123 – 3 day(s) with combined FU at SH 16 1 MI SW OF BRAZ | 5 Moderate he system s with a LRAA of alue = 5 Moderate filter effluent ZOS RIVER |
| Self Report? Citation: Description: Date: 09/ Self Report? Citation: Description: Self Report? | mg/L at 160 Cliff DR, Graford (/14/2023 (1930808) NO 30 TAC Chapter 290, SubChapt 5A THSC Chapter 341, SubChapt TTHM LRAA MCL 2Q2023 – Dur violated the maximum contami 0.108 mg/L at 160 Cliff DR, Gra /07/2023 (1936854) NO 30 TAC Chapter 290, SubChapt 5A THSC Chapter 341, SubChapt SWTR Acute TT Violation 07/20 turbidity readings above 1.0 NT BRIDGE (TP18486). ETT Point N 07/31/2023 | DBP2-01). ETT Point Value = Classification: ter F 290.115(f)(1) pter A 341.0315(c) ing the 2nd quarter of 2023 t nant level for trihalomethanes aford (DBP2-01). ETT Point Va Classification: ter F 290.111(i)(4) pter A 341.031(a) 123 – 3 day(s) with combined TU at SH 16 1 MI SW OF BRAZ Value = 10; Violation Determi Classification: ter F 290.111(e)(1)(B) | 5 Moderate he system s with a LRAA of alue = 5 Moderate filter effluent ZOS RIVER nation Date = |
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turbidity readings for the month were above 0.3 NTU at SH 16 1 MI SW OF BRAZOS RIVER BRIDGE (TP18486). ETT Point Value = 5; Violation Determination Date = 07/31/2023

| 10 | Date: 09, | /13/2023 (1930808) | | |
|----|---------------------------|---|--|--------------------|
| | Self Report? Citation: | NO | Classification: | Moderate |
| | Description: | 30 TAC Chapter 290, SubChapter F 290.1 5A THSC Chapter 341, SubChapter A 341 TTHM LRAA MCL 3Q2023 – During the 3r violated the maximum contaminant level 0.104 mg/L at 160 Cliff DR, Graford (DBF | 0315(c) d quarter of 2023 t for trihalomethane | s with a LRAA of |
| 11 | Date: 09, | /28/2023 (1936854) | | |
| | Self Report? Citation: | NO | Classification: | Moderate |
| | Description: | 30 TAC Chapter 290, SubChapter F 290.1 SWTR Non-acute TT Violation 07/2023 – requirements of cryptosporidium remova MI SW OF BRAZOS RIVER BRIDGE (TP18 Determination Date = 07/13/2023 | Failure to meet the I in the month of 07 | 7/2023 at SH 16 1 |
| 12 | Date: 12, | /08/2023 (1929719) | | |
| | Self Report? Citation: | NO | Classification: | Moderate |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.4 Failure to maintain a minimum pressure of system under normal operating condition EIC C4 MOD(2)(G) | of 35 psi throughou | t the distribution |
| | Self Report? Citation: | NO | Classification: | Moderate |
| | | 30 TAC Chapter 290, SubChapter D 290. | • • | |
| | Description: | Failure to provide the minimum required the employee housing area. EIC C4 MOD(2)(G) | line size for the wa | ter main serving |
| 13 | Date: 12, | /11/2023 (1944766) | | |
| | Self Report? Citation: | NO | Classification: | Moderate |
| | citation. | 30 TAC Chapter 290, SubChapter D 290. 30 TAC Chapter 290, SubChapter D 290. | | |
| | Description: | Failure to provide a minimum service pur connection. EIC B18(c)(10) MOD(2)(G) | | gpm per |

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B All Investigations Conducted During Component Period August 07, 2019 and August 07, 2024

| Item 1 | October 18, 2019** | (1590319) |
|---------|---------------------|-----------|
| Item 2 | February 06, 2020** | (1625226) |
| Item 3* | February 02, 2021** | (1700869) |
| Item 4 | June 24, 2022** | (1818965) |
| Item 5 | November 22, 2022** | (1860414) |
| Item 6 | December 06, 2022** | (1861920) |
| Item 7 | September 27, 2023 | (1930808) |
| Item 8 | September 29, 2023 | (1930980) |
| Item 9 | October 19, 2023 | (1936854) |
| Item 10 | October 27, 2023 | (1936926) |

| Item 11 | January 16, 2024 | (1955227) |
|---------|-------------------|-----------|
| Item 12 | February 01, 2024 | (1956507) |
| Item 13 | June 05, 2024 | (1989167) |

 $\ensuremath{^*}$ No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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S S S S S

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING MIDWAY WATER UTILITIES, INC. RN101265213 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0215-MLM-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MIDWAY WATER UTILITIES, INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a public water supply located at 8615 Texas Highway 16 near Graford, Palo Pinto County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 311 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). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in Tex. WATER CODE § 11.021 and 30 Tex. ADMIN. CODE § 297.1(52).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. WATER CODE §§ 7.002 and 11.0842 and Tex. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. WATER CODE §§ 5.013 and 11.0842 and Tex. HEALTH & SAFETY CODE § 341.031 because it alleges violations of Tex. HEALTH & SAFETY CODE ch. 341, Tex. WATER CODE ch. 11, and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$18,199 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,560 of the penalty and \$3,639 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
- 5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN.

CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

- 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 or conditions in this Order.
- 7. 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.
- 8. 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.
- 9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility by February 1, 2024:
 - a. Began collecting routine distribution coliform samples at a customer's premise, dedicated sampling station, or other designated compliance sampling location at active service connections which are representative of water quality throughout the distribution system;
 - b. Began monitoring the disinfectant residual at representative locations throughout the distribution system at least once per day;
 - c. Made the results of inspections for all water storage and pressure maintenance facilities and Customer Service Inspection reports readily available for review by the Executive Director;
 - d. Adopted an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted;
 - e. Adopted a drought contingency plan which includes all elements for municipal use by a retail public water supplier; and
 - f. Compiled and maintained a thorough and up-to-date plant operations manual for operator review and reference.

II. ALLEGATIONS

During a record review for the Facility conducted on January 29, 2024, an investigator documented that the Respondent:

1. Failed to calibrate the Facility's benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested, in violation of 30 Tex. ADMIN. CODE § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii).

- 2. Failed to calibrate the Facility's two on-line turbidimeters with primary standards at least once every 90 days and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week, in violation of 30 Tex. ADMIN. CODE § 290.46(s)(2)(B)(iii) and (s)(2)(B)(iv).
- 3. Failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j) and TEX. HEALTH & SAFETY CODE § 341.0351. Specifically, the Respondent did not notify the Executive Director prior to utilizing polymer ahead of the pressure filters, adding two 30-micron cartridge filters after the pressure filters, and changing the two 5-micron cartridge filters before the reverse osmosis units to one 1-micron cartridge filter.
- 4. Failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l). Specifically, the Respondent was flushing at hydrants near the dead ends instead of at all dead-end mains.
- 5. Failed to collect routine distribution coliform samples at a customer's premise, dedicated sampling station, or other designated compliance sampling location at active service connections which are representative of water quality throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(d)(1)(A). Specifically, the sampling locations were not equally distributed throughout the distribution system as there were no bacteriological sampling locations on the southern part of the sampling map.
- 6. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(C). Specifically, the monitoring locations were not equally distributed throughout the distribution system as there were no disinfectant monitoring locations on the southern part of the sampling map.
- 7. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(C)(iv), (f)(3)(D)(ii), (f)(3)(D)(iii), and (f)(3)(E)(iv). Specifically, the on-line turbidity monitoring results and exception reports for individual filters, the results of inspections for all water storage and pressure maintenance facilities, the results of inspections for all pressure filters, and the previous one and a half years of Customer Service Inspection reports were not maintained on-site for review.
- 8. Failed to ensure that the Facility has at least one Class "C" or higher surface water operator on duty when it is in operation or that the Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Facility is not staffed, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(C). Specifically, the plant does not automatically shutdown if an alarm is triggered and there are no operators on-site overnight.

- 9. 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). Specifically, five of the six pressure filters were leaking from their effluent lines.
- 10. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
- 11. Failed to install water transmission and distribution lines below the frost line and in no case less than 24 inches below the ground surface, in violation of 30 TEX. ADMIN. CODE § 290.44(a)(4). Specifically, the raw water transmission line and distribution line leaving the plant were sitting above ground.
- 12. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 Tex. ADMIN. CODE § 290.42(l).
- 13. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in violation of 30 Tex. ADMIN. CODE § 290.44(h)(4). Specifically, BPAs at the restaurant, the marina, the marina ice machine, and the wastewater treatment plant were not being tested on an annual basis.
- 14. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B), and TEX. WATER CODE § 11.1272(c).

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: MIDWAY WATER UTILITIES, INC., Docket No. 2024-0215-MLM-E" to:

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

2. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the results of pressure filter inspections and on-line turbidity monitoring results and exception reports for individual filters, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - ii. Calibrate the benchtop turbidimeter with primary standards and check the calibration with secondary standards each time a series of samples is tested, in accordance with 30 TEX. ADMIN. CODE §290.46. This provision will be satisfied upon one month of compliant monitoring.
 - iii. Calibrate the two on-line turbidimeters with primary standards and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week, in accordance with 30 Tex. ADMIN. CODE § 290.46. This provision will be satisfied upon one month of compliant monitoring.
 - iv. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels, in accordance with 30 TEX. ADMIN. CODE § 290.46. This provision will be satisfied upon three months of consecutive compliant monthly flushing.
- b. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i.
- c. Within 60 days after the effective date of this Order:
 - i. Repair the automatic plant shutdown and alarms at the Facility, in accordance with 30 Tex. ADMIN. CODE § 290.46.
 - ii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to the five pressure filters that were leaking from their effluent lines, in accordance with 30 Tex. ADMIN. CODE § 290.46.
 - iii. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the BPAs at the restaurant, the marina, the marina ice machine, and the wastewater treatment plant, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- d. Within 75 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.k below, and include detailed supporting documentation including photographs, receipts, and/or other

records to demonstrate compliance with Ordering Provision Nos. 2.a.ii, 2.a.iii, and 2.c.i through 2.c.iii.

- e. Within 90 days after the effective date of this Order, ensure that all water transmission and distribution lines are located below the frost line and in no case less than 24 inches below the ground surface, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- f. Within 105 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 135 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.iv.
- h. Within 180 days after the effective date of this Order, submit accurate, up-todate, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to utilizing polymer ahead of the pressure filters, adding two 30micron cartridge filters after the pressure filters, and changing the two 5-micron cartridge filters before the reverse osmosis units to one 1-micron cartridge filter, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

Plan Review Team Water Supply Division, MC 159 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.

- i. Within 195 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.h.
- j. Within 270 days after the effective date of this Order, obtain approval of the asbuilt plans and specifications for the significant changes made to the Facility from the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- k. Within 285 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.j. The certification shall be signed by the Respondent and shall include the following certification language:

MIDWAY WATER UTILITIES, INC. DOCKET NO. 2024-0215-MLM-E Page 7

> "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 Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

- 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. 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.
- 7. 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.

8. 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.

MIDWAY WATER UTILITIES, INC. DOCKET NO. 2024-0215-MLM-E Page 9

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

___**11/20/2024**_____ 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

Name (Printed or typed) Authorized Representative of MIDWAY WATER UTILITIES, INC.

 \mathbf{x} If mailing address has changed, please check this box and provide the new address below:

2150 Town Square Place Suite 400 Sugar Land TX, 77479