



**CITY OF HOUSTON**  
Public Works and Engineering  
Department

**QUICK PAY RECEIPT**

FOR BILLING AND SERVICE INQUIRIES, PLEASE CALL (713)  
371-1400



Your transaction is complete. Thank you for visiting our site.  
Your payment will be forwarded to your financial institution for processing. Your transaction may be processed as early as today and posted to the water account within (3) business days, but it may take several days for verification of funds.

Confirmation Number:

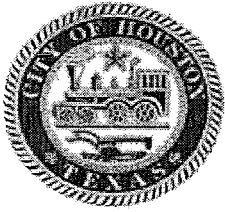
**03531747**

Utility Account Number:	709930204017
Service Address:	0 ALL-BLANKS
Name on Check:	Community Utility Company
Email Address:	mike@mbcws.com
Phone number:	281-444-7747
Payment Transaction Date & time:	4/9/2013 4:44:31 PM

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This Payment Confirmation Number will be used in future reference.

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Bank Routing Number: XXXXX1415  
Bank Account Number: XXXXXX0853  
Total Amount Paid: **\$865.25**  
Scheduled Payment Posting Date: 4/9/2013

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W.A.T.E.R. Fund: No  
Donation Amount: 0



# CITY OF HOUSTON

Public Works and Engineering  
Department

**Annise D. Parker**

Mayor

Daniel W. Krueger, P.E.  
Director  
P.O. Box 4863  
Houston, Texas 77210-4863  
www.houstontx.gov

April 22, 2013

Community Utility Company  
Attention: M. M. Martin  
P O Box 58  
Spring, Texas 77383-0058

Re: Acct. No. 7099-3020-4017  
GFS No. 7920-05

## INVOICE FOR MARCH 2013 GRP PARTICIPATION

DUE DATE: May 12, 2013

Well # 1751		Well # 6296			
Read 04-01-13	63,358,000 gals.	Read 04-01-13	39,797,000 gals.		
Read 03-01-13	62,543,000 gals.	Read 03-01-13	39,187,000 gals.		
	<hr/>		<hr/>		
	815,000 gals.		610,000 gals.		
Total Pumpage	1,425,000	\$2.596	30%		\$1,109.79
Balance forward -					\$0.00
Total Amount Due					<hr/> \$1,109.79

*Payment is due and payable on or before 20 days after the date of the mailing of this bill. If any bill is not paid in full on or before the due day, there shall be added thereto ten percent of the amount thereof as of a charge for late payment.*

IN REMITTING, PLEASE MAKE CHECK PAYABLE TO: CITY OF HOUSTON  
PLEASE NOTE OUR NEW REMIT TO ADDRESS

City of Houston  
Utility Customer Service  
4200 Leeland  
Houston, Texas 77023

For billing inquiries contact: Maria Carrillo @ 832-395-5203 or maria.carrillo@houstontx.gov.



**CITY OF HOUSTON**  
Public Works and Engineering  
Department

**QUICK PAY RECEIPT**

FOR BILLING AND SERVICE INQUIRIES, PLEASE CALL (713) 371-1400

Your transaction is complete. Thank you for visiting our site.  
Your payment will be forwarded to your financial institution for processing. Your transaction may be processed as early as today and posted to the water account within (3) business days, but it may take several days for verification of funds.

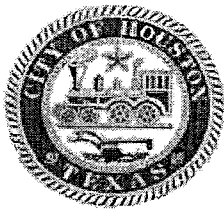
Confirmation Number:

**03579171**

Utility Account Number:	709930204017
Service Address:	0 ALL-BLANKS
Name on Check:	Community Utility Company
Email Address:	mike@mbcws.com
Phone number:	281-444-7747
Payment transaction Date & time:	5/7/2013 5:38:25 PM

This Payment Confirmation Number will be used in future reference.

Bank Routing Number: XXXXX1415  
Bank Account Number: XXXXXX0853  
Total Amount Paid: \$1,109.79  
Scheduled Payment Posting Date: 5/7/2013  
W.A.T.E.R. Fund: No  
Donation Amount: 0



# CITY OF HOUSTON

Public Works and Engineering  
Department

**Annise D. Parker**

Mayor

Daniel W. Krueger, P.E.  
Director  
P.O. Box 4863  
Houston, Texas 77210-4863  
www.houstontx.gov

June 14, 2013

Community Utility Company  
Attention: M. M. Martin  
P O Box 58  
Spring, Texas 77383-0058

Re: Acct. No 7099-3020-4017  
GFS No. 7920-05

## INVOICE FOR MAY 2013 GRP PARTICIPATION

DUE DATE: July 4, 2013

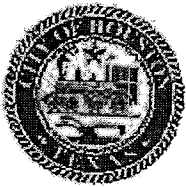
Well # 1751		Well # 6296		
Read 06-01-13	64,831,000 gals.	Read 06-01-13	41,133,000 gals.	
Read 05-01-13	64,020,000 gals.	Read 05-01-13	40,396,000 gals.	
	<hr/>		<hr/>	
	811,000 gals.		737,000 gals.	
Total Pumpage	1,548,000	\$2.6903	30%	\$1,249.38
Balance forward -				\$0.00
Total Amount Due				<hr/>
				\$1,249.38

*Payment is due and payable on or before 20 days after the date of the mailing of this bill. If any bill is not paid in full on or before the due day, there shall be added thereto ten percent of the amount thereof as of a charge for late payment.*

IN REMITTING, PLEASE MAKE CHECK PAYABLE TO: CITY OF HOUSTON  
PLEASE NOTE OUR NEW REMIT TO ADDRESS

City of Houston  
Utility Customer Service  
4200 Leeland  
Houston, Texas 77023

For billing inquiries contact: Maria Carrillo @ 832-395-5203 or maria.carrillo@houstontx.gov.



**CITY OF HOUSTON**  
Public Works and Engineering  
Department

**QUICK PAY RECEIPT**

FOR BILLING AND SERVICE INQUIRIES, PLEASE CALL (713)  
371-1400

Your transaction is complete. Thank you for visiting our site.  
Your payment will be forwarded to your financial institution for processing. Your transaction may be processed as early as today and posted to the water account within (3) business days, but it may take several days for verification of funds.

Confirmation Number:

**03682148**

Utility Account Number:	709930204017
Service Address:	0 ALL-BLANKS
Name on Check:	Community Utility Company
Email Address:	mike@mbcws.com
Phone number:	281-444-7747
Payment Transaction Date & time:	7/1/2013 1:40:08 PM

.....  
This Payment Confirmation Number will be used in future reference.

Bank Routing Number:	XXXXX1415
Bank Account Number:	XXXXXX0853
Total Amount Paid:	<b>\$1,249.38</b>
Scheduled Payment Posting Date:	7/1/2013
W.A.T.E.R. Fund:	No
Donation Amount:	0

**Mary Damron**

---

**From:** Bret Fenner <bretfenner@yahoo.com>  
**Sent:** Wednesday, June 19, 2013 11:11 AM  
**To:** Mary Damron  
**Cc:** Les Romo  
**Subject:** Community Rate/Tariff Application  
**Attachments:** City of Houston GRP Fee Pass Thru - Community0001.pdf

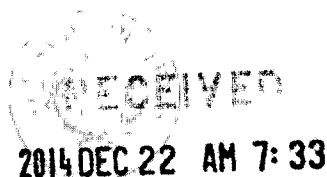
Mary,

Attached is the pass thru notice for a 2011 City of Houston GRP fee increase. This notice was mailed to all affected customer. As the attached letter indicates, the notice was also submitted to your Commission. Please let me know if you have any additional questions.

Thanks Bret

44001

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rukinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 16, 2012

**CERTIFIED MAIL – 91 7199 9991 7030 9036 1494-RETURN RECEIPT  
REQUESTED**

Mr. Michael M. Martin Jr., President  
COMMUNITY UTILITY COMPANY  
P.O. Box 58  
Spring, Texas 77383

Re: Notice of Enforcement Action  
Forest Manor Subdivision; RN101198554; Public Water Supply ID No. 1010264  
Docket No. 2012-1193-MLM-E; Enforcement Case No. 44339  
**FOR SETTLEMENT PURPOSES ONLY**

Dear Mr. Martin:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against COMMUNITY UTILITY COMPANY for violations of the Texas Health & Safety Code, the Texas Water Code, and/or Commission Rules. These violations were discovered during an investigation conducted on January 24, 2012 and a record review conducted on July 2, 2012 and documented in letters dated May 29, 2012 and July 6, 2012 from the TCEQ Houston Regional Office and Public Drinking Water Section

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of Six Thousand Seven Hundred Thirty-Eight Dollars (\$6,738). We are proposing a one time offer to defer One Thousand Three Hundred Forty-Seven Dollars (\$1,347) of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed. Therefore, the administrative penalty to be paid is Five Thousand Three Hundred Ninety-One Dollars (\$5,391). The order also identifies the violations that we are addressing and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in Corpus Christi or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for the Commission's agenda. We believe that

Mr. Michael M. Martin  
Page 2

handling this matter expeditiously could save COMMUNITY UTILITY COMPANY and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing COMMUNITY UTILITY COMPANY, Docket No. 2012-1193-MLM-E) to:

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

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or pay for a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. **If you are interested in performing a SEP, you must agree to the penalty amount and submit a SEP proposal within 30 days of receipt of this proposed order.**

**For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <http://www.tceq.state.tx.us/legal/sep/index.html> or contact the Enforcement Coordinator listed below.**

Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

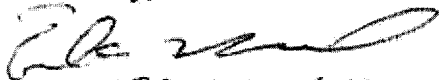


Mr. Michael M. Martin  
Page 3

**If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer, including the penalty deferral, will no longer be available.** If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70 or any other TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled *Obtaining TCEQ Rules*. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission.

For any questions or comments about this matter or to arrange a meeting, please contact Mr. Epifanio Villarreal of my staff at 361-825-3425.

Sincerely,



EPIFANIO VILLARREAL

Melissa Cordell, Manager  
Enforcement Division  
Texas Commission on Environmental Quality

MC/ev

Enclosures: Proposed Agreed Order, Return Envelope, *Obtaining TCEQ Rules*, Penalty Calculation Worksheet, Site Compliance History

cc: Mr. Sid Slocum, Manager, Water Section, Houston Regional Office, TCEQ  
Mr. Michael M. Martin Jr., Registered Agent, COMMUNITY UTILITY  
COMPANY, P.O. Box 1383, Spring, Texas 77383  
Mr. Michael M. Martin Jr., Registered Agent, COMMUNITY UTILITY  
COMPANY, 138 Indian Creek Drive, Conroe, Texas 77304  
Mr. Bob Patton, Jr., Manager, Public Drinking Water Section, TCEQ, MC 155

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
COMMUNITY UTILITY  
COMPANY  
RN101198554

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

AGREED ORDER  
DOCKET NO. 2012-1193-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 COMMUNITY UTILITY COMPANY ("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 at 1615 Beckman Drive, off of Farm-to-Market Road 2100, Harris County, Texas (the "Facility") that has approximately 89 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Respondent's Facility adjoins, is contiguous with or surrounds state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(46).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 3, 2012 and July 11, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Six Thousand Seven Hundred Thirty-Eight Dollars (\$6,738) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Three Hundred Ninety-One Dollars (\$5,391) of the administrative penalty and One Thousand Three Hundred Forty-Seven Dollars (\$1,347) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. 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.
8. 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).
9. 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 Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on July 22, 2008 and an investigation conducted on January 24, 2012. Specifically, the Facility has 89 connections and must provide a total storage capacity of 17,800 gallons. However, the Facility currently provides no storage capacity, which is a 100% deficiency.
2. Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.035, as documented during an investigation conducted on July 22, 2008 and an investigation conducted on January 24, 2012. Specifically, the Facility installed an 80 gallon per minute ("gpm") service pump between the well and pressure tank and removed the

ground storage tank and associated service pumps from use without first notifying the Executive Director.

3. Failed to develop, maintain, and make available for Commission review an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during an investigation conducted on January 24, 2012.
4. Failed to compile, maintain, and make available for Commission review an accurate and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on January 24, 2012.
5. Failed to develop, maintain and make available for Commission review an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during an investigation conducted on January 24, 2012.
6. Failed to calibrate the Facility's well meter once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on January 24, 2012.
7. Failed to conduct an annual inspection of the Facility's pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on January 24, 2012.
8. Failed to enclose the well with an intruder-resistant fence, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on January 24, 2012. Specifically, the fence at the well site was caved inward next to the ground storage tank and the barbed wire on the top of the fence was sagging.
9. Failed to house the hypochlorination solution container and pump in a secure enclosure to protect them from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5), as documented during an investigation conducted on January 24, 2012. Specifically, plastic was being used as a door to the chlorine room.
10. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 24, 2012. Specifically, at the time of the investigation, it was documented that the Facility has 89 service connections and must provide a total service pump capacity of 178 gpm. However, the Facility has no service pumps, which is a 100% deficiency.
11. Failed to provide a well capacity of 1.5 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 24, 2012. Specifically, at the time of the investigation, it was documented that the Facility has 89 service connections

and must provide a total well capacity of 133.5 gpm. However, the Facility provided 61 gpm, which is a 54% deficiency.

12. Failed to adopt a Drought Contingency Plan that 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), as documented during an investigation conducted on January 24, 2012.
13. Failed to provide the results of annual nitrate sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e), as documented during a record review conducted on July 2, 2012. Specifically, the Respondent failed to provide nitrate monitoring results for the annual monitoring periods of January 1, 2010 through December 31, 2010 and January 1, 2011 through December 31, 2011.
14. Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3), as documented during a record review conducted on July 2, 2012. Specifically, the Respondent failed to submit DLQORs for the fourth quarter of 2010 through the first quarter of 2012.
15. Failed to provide the results of annual volatile organic contaminants ("VOC") sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.107(e), as documented during a record review conducted on July 2, 2012. Specifically, the Respondent failed to provide VOC sampling monitoring results for the annual monitoring period of January 1, 2010 through December 31, 2010 and January 1, 2011 through December 31, 2011.
16. Failed to provide the results of triennial minerals sampling results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e), as documented during a record review conducted on July 2, 2012. Specifically, the Respondent failed to provide triennial mineral for the monitoring period from January 1, 2008 through December 31, 2010.
17. Failed to provide the results of Stage 1 Disinfectant Byproduct sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.113(e), as documented during a record review conducted on July 2, 2012. Specifically, the Respondent failed to provide Stage 1 Disinfectant Byproduct results for the monitoring period from January 1, 2010 through December 31, 2010.
18. Failed to provide the results of triennial synthetic organic contaminants ("SOC") sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.107(e), as documented during a record review conducted on July 2, 2012. Specifically, the Respondent failed to provide SOC results for the monitoring period from January 1, 2009 through December 31, 2011.
19. Failed to provide the results of triennial radionuclide sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.108(e). Specifically, the Respondent failed to provide triennial radionuclide results for the monitoring period from January 1, 2007 through December 31, 2009.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: COMMUNITY UTILITY COMPANY, Docket No. 2012-1193-MLM-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;
    - ii. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants) 290.107 (Organic Contaminants), 290.108 (Radionuclides), and 290.113 (Disinfection Byproducts);
    - iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants); 290.107 (Organic Contaminants); 290.108 (Radionuclides), and 290.113 (Disinfection Byproducts);

- iv. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121;
- v. Calibrate the Facility's well meter, in accordance with TEX. ADMIN. CODE § 290.46;
- vi. Conduct an annual inspection of the Facility's pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- vii. Notify the Commission of the 80 gpm service pump and the removal of the ground storage tank and associated service pumps, in accordance with 30 TEX. ADMIN. CODE § 290.39. The notification shall be submitted to:

Utility Technical Review Team  
Water Supply Division, MC 153  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.h, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 60 days after the effective date of this Agreed Order:
  - i. Provide an up-to-date map of the distribution system that includes the locations of all mains and valves, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - ii. Begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - iii. Repair the fence so that its intruder resistant, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
  - iv. Provide a Drought Contingency Plan for the water supply, in accordance with 30 TEX. ADMIN. CODE §§ 288.20 and 288.30.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.h, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Agreed Order:

- i. Secure the hypochlorination solution containers in an enclosure that protects them from vandalism and adverse weather conditions, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
- ii. Begin submitting DLQORs to the Executive Director each quarter, by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.h, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 180 days after the effective date of this Agreed Order:
  - i. Provide two or more service pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
  - ii. Provide a total storage capacity of at least 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
  - iii. Provide a well capacity of 1.5 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:



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

with a copy to:

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

and 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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
6. This Agreed 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 Agreed 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 Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
COMMUNITY UTILITY COMPANY

\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600643779 COMMUNITY UTILITY COMPANY Classification: Rating:  
Regulated Entity: RN101198554 FOREST MANOR SUBDIVISION Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010264  
Location: 1615 BECKMAN DRIVE, OFF OF FARM-TO-MARKET ROAD 2100, HARRIS COUNTY, TEXAS  
TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 17, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 17, 2007 to July 17, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epl Villarreal Phone: 361-825-3425

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: N/A Repeat Violator: N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 02/13/2012

ADMINORDER 2011-0500-UTL-E

Classification: Moderate

Citation: 2B TWC Chapter 13, SubChapter A 13.1395(b)(2)  
30 TAC Chapter 290, SubChapter D 290.39(o)(1)  
30 TAC Chapter 291, SubChapter L 291.162(a)  
30 TAC Chapter 291, SubChapter L 291.162(j)

Description: Failed to adopt and submit to the Executive Director for approval by the extension due date of May 30, 2010, an emergency preparedness plan that demonstrates the Facilities ability to provide emergency operations.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

- 1 08/23/2008 (681126)
- 2 09/08/2009 (764749)
- 3 02/18/2011 (896099)
- 4 03/21/2011 (907487)

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

Date: 07/22/2008 (681126) CN600643779

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failed to provide required maintenance.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
 Description: Failed to inspect ground storage and/or pressure tanks annually and maintain records.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)  
 Description: Failed to provide legible signs.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(4)  
 30 TAC Chapter 291, SubChapter E 291.89(a)(2)  
 Description: Failed to provide accurate metering devices for the accumulation of water usage data.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)  
 Description: Failure to maintain the GST. Tank has large rust holes above the water line.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
 Description: Failure to inspect the pressure tank internally, atleast every five years.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)  
 Description: Failure to provide adequate well capacity.

Date: 09/25/2008 (681126) CN600643779

Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
 Description: Failure to provide a minimum total storage capacity of 200 gallons per connection.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)  
 Description: Failure to notify the executive director in writing of any changes in the existing system or supplies.

Date: 08/10/2009 (764749) CN600643779

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)  
 Description: Plant wiring is not in an approved conduit.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
 Description: Failure to provide adequate service pump capacity.  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
 Description: Failure to provide a minimum total storage capacity of 200 gallons per connection.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)  
 Description: Failure to notify the executive director in writing of any changes in the existing system or supplies.

Date: 02/18/2011 (896099) CN600643779  
Self Report? NO Classification: Moderate  
Citation: 28 TWC Chapter 13, SubChapter A 13.1395(b)(2)  
30 TAC Chapter 290, SubChapter D 290.39(o)(1)  
30 TAC Chapter 291, SubChapter L 291.162(a)  
30 TAC Chapter 291, SubChapter L 291.162(j)  
Description: Failed to adopt and submit to the Executive Director for approval by the extension due date of May 30, 2010, an emergency preparedness plan that demonstrates the Facilities ability to provide emergency operations.

Date: 01/10/2012 (980491) CN600643779  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)  
Description: Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality.

- F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	4-Jun-2012	Screening	12-Jun-2012	EPA Due	
	PCW	17-Jul-2012				

## RESPONDENT/FACILITY INFORMATION

Respondent	COMMUNITY UTILITY COMPANY		
Reg. Ent. Ref. No.	RN101198554		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	44339	No. of Violations	8
Docket No.	2012-1193-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media	Water Rights	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit	Minimum \$50	Maximum	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for three NOVs with same/similar violations, two NOVs with dissimilar violations, and one agreed order containing a denial of liability.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
 Approx. Cost of Compliance  \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance for violation no. 4.

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 12-Jun-2012

Docket No. 2012-1193-MLM-E

PCW

Respondent COMMUNITY UTILITY COMPANY

Policy Revision 2 (September 2002)

Case ID No. 44339

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101198554

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 39%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations, two NOVs with dissimilar violations, and one agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 39%



Screening Date 12-Jun-2012

Docket No. 2012-1193-MLM-E

PCW

Respondent COMMUNITY UTILITY COMPANY

Policy Revision 2 (September 2002)

Case ID No. 44339

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101198554

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

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

Violation Description Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility has 89 connections and must provide a total storage capacity of 17,800 gallons. However, the Facility currently provides no storage capacity, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to provide adequate storage capacity could result in water outages and low pressure problems, and expose consumers of the Facility to contaminants which exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 5 140 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$1,250

Five monthly events are recommended from the date of the investigation, January 24, 2012, to the date of screening, June 12, 2012.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13,248

Violation Final Penalty Total \$1,780

This violation Final Assessed Penalty (adjusted for limits) \$1,780

# Economic Benefit Worksheet

**Respondent:** COMMUNITY UTILITY COMPANY  
**Case ID No.:** 44339  
**Req. Ent. Reference No.:** RN101198554  
**Media:** Public Water Supply  
**Violation No.:** 1

**Percent Interest:** 5.0  
**Years of Depreciation:** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$38,270	22-Jul-2008	1-Jul-2013	4.95	\$631	\$12,617	\$13,248
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount necessary to provide a minimum storage capacity of 200 gallons per connection (\$2.15 per gallon x 17,800 gallon deficiency), calculated from the date that the violation was initially documented to the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$38,270

**TOTAL**

\$13,248

**Screening Date** 12-Jun-2012  
**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Reg. Ent. Reference No.** RN101198554  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal  
**Violation Number** 2  
**Rule Cite(s)**

**Docket No.** 2012-1193-MLM-E

**PCW**

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**Violation Description**

30 Tex. Admin. Code § 290.39(j)(1)(A) and Tex. Health & Safety Code § 341.035

Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity. Specifically, the Facility installed an 80 gallon per minute ("gpm") service pump between the well and pressure tank and removed the ground storage tank and associated service pumps from use without first notifying the Executive Director.

**Base Penalty** \$1,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0%

**>> Programmatic Matrix**

Falsification	Harm		
	Major	Moderate	Minor
	x		

**Percent** 10%

**Matrix Notes**

100% of the rule requirements were not met.

**Adjustment** \$900

\$100

**Violation Events**

**Number of Violation Events** 1

**Number of violation days** 140

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$100

One single event is recommended.

**Good Faith Efforts to Comply**

**0.0% Reduction** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	{mark with x}

**Notes**

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

**Violation Subtotal** \$100

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$16

**Violation Final Penalty Total** \$142

**This violation Final Assessed Penalty (adjusted for limits)** \$142

# Economic Benefit Worksheet

**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Req. Ent. Reference No.** RN101198554  
**Media** Public Water Supply  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	22-Jul-2008	1-Feb-2013	4.53	\$1	\$15	\$16
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the estimated amount to notify the Commission of the Facility's changes, calculated from the date that the violation was initially documented to the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] -avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$16

Screening Date 12-Jun-2012  
 Respondent COMMUNITY UTILITY COMPANY  
 Case ID No. 44339

Docket No. 2012-1193-MLM-E

PCW

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101198554

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3  
 Rule Cite(s)

30 Tex. Admin. Code § 290.106(e)

Violation Description

Failed to provide the results of annual nitrate sampling to the Executive Director. Specifically, the Respondent failed to provide nitrate monitoring results for the annual monitoring period of January 1, 2010 through December 31, 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	x
single event		

Violation Base Penalty \$100

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$142

This violation Final Assessed Penalty (adjusted for limits) \$142

# Economic Benefit Worksheet

**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Req. Ent. Reference No.** RN101198554  
**Media** Public Water Supply  
**Violation No.** 3

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
 No/continues or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	31-Dec-2010	1-Mar-2013	2.17	\$0	\$7	\$8
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to pay any outstanding lab fees so that the lab will release the nitrate sampling results and the Respondent can provide them to the Executive Director. The date required is the last date of the monitoring period in which nitrate results were not provided and the final date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [2]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$8

Screening Date 12-Jun-2012  
 Respondent COMMUNITY UTILITY COMPANY  
 Case ID No. 44339

Docket No. 2012-1193-MLM-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101198554  
 Media [Statute] Public Water Supply  
 Enf. Coordinator Epifanio Villameal

Violation Number 4  
 Rule Cite(s)

30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description

Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, the Respondent failed to submit DLQORs for the fourth quarter of 2010, first quarter of 2011 and second quarter of 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 3

270 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$300

Three quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$78

Violation Final Penalty Total \$427

This violation Final Assessed Penalty (adjusted for limits) \$427

# Economic Benefit Worksheet

**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Req. Ent. Reference No.** RN101198554  
**Media** Public Water Supply  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	2-Jul-2012	1-Mar-2013	0.66	\$1	n/a	\$1
Training/Sampling	\$100	2-Jul-2012	1-Mar-2013	0.66	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date to the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$68	10-Jan-2011	10-Jul-2011	1.41	\$5	\$68	\$73
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to timely prepare and submit DLQORs (\$22.50 per DLQOR) of the failure to submit DLQORs, calculated for the time frame in which DLQORs were not submitted.

Approx. Cost of Compliance

\$213

**TOTAL**

\$78



**Screening Date** 12-Jun-2012  
**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Reg. Ent. Reference No.** RN101198554  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2012-1193-MLM-E

**PCW**

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**Violation Number** 5

**Rule Cite(s)**

30 Tex. Admin. Code § 290.107(e)

**Violation Description**

Failed to provide the results of annual volatile organic contaminants ("VOC") sampling to the Executive Director. Specifically, the Respondent failed to provide VOC results for the annual monitoring period of January 1, 2010 through December 31, 2010.

**Base Penalty** \$1,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

**Percent** 10%

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment** \$900

\$100

**Violation Events**

**Number of Violation Events** 1

365 **Number of violation days**

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

**Violation Base Penalty** \$100

One annual event is recommended.

**Good Faith Efforts to Comply**

0.0% **Reduction**

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	x	(mark with x)

**Notes**

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

**Violation Subtotal** \$100

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$56

**Violation Final Penalty Total** \$142

**This violation Final Assessed Penalty (adjusted for limits)** \$142

# Economic Benefit Worksheet

**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Req. Ent. Reference No.** RN101198554  
**Media** Public Water Supply  
**Violation No.** 5

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$365	31-Dec-2010	1-Mar-2013	2.17	\$3	\$53	\$56
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the estimated amount to pay any outstanding lab fees so that the lab will release the VOC sampling results and the Respondent can provide them to the Executive Director. The date required is the last date of the monitoring period in which VOC results were not provided and the final date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**      \$366      **TOTAL**      \$56

Screening Date 12-Jun-2012  
 Respondent COMMUNITY UTILITY COMPANY  
 Case ID No. 44339

Docket No. 2012-1193-MLM-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101198554  
 Media [Statute] Public Water Supply  
 Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

# Economic Benefit Worksheet

**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Req. Ent. Reference No.** RN101198554  
**Media** Public Water Supply  
**Violation No.** 6

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
**Item Description** No commas or \$.

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$155	31-Dec-2010	1-Mar-2013	2.17	\$1	\$22	\$24
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to pay any outstanding lab fees so that the lab will release the mineral sampling results and the Respondent can provide them to the Executive Director. The date required is the last date of the monitoring period in which the mineral sampling results were not provided and the final date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

<b>\$155</b>	<b>TOTAL</b>	<b>\$24</b>
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Screening Date 12-Jun-2012  
 Respondent COMMUNITY UTILITY COMPANY  
 Case ID No. 44339

Docket No. 2012-1193-MLM-E

PCW

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101198554  
 Media [Statute] Public Water Supply  
 Enf. Coordinator Epifanio Villarreal  
 Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.113(e)  
 Violation Description Failed to provide the results of Stage 1 Disinfectant Byproduct sampling to the Executive Director. Specifically, the Respondent failed to provide Stage 1 Disinfectant Byproduct results for the monitoring period from January 1, 2010 through December 31, 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

1

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$100

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	{mark with x}

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$48

Violation Final Penalty Total \$142

This violation Final Assessed Penalty (adjusted for limits) \$142

# Economic Benefit Worksheet

**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Req. Ent. Reference No.** RN101198554  
**Media** Public Water Supply  
**Violation No.** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description No commas or \$

**Delayed Costs**

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$314	31-Dec-2010	1-Mar-2013	2.17	\$2	\$45	\$48
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to pay any outstanding lab fees so that the lab will release the Stage 1 Disinfectant Byproduct sampling results and the Respondent can provide them to the Executive Director. The date required is the last date of the monitoring period in which the Stage 1 Disinfectant Byproduct sampling results were not provided and the final date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$314

**TOTAL**

\$48

Screening Date 12-Jun-2012  
 Respondent COMMUNITY UTILITY COMPANY  
 Case ID No. 44339

Docket No. 2012-1193-MLM-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101198554

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.108(e)

Violation Description Failed to provide the results of triennial radionuclide sampling to the Executive Director. Specifically, the Respondent failed to provide triennial radionuclide results for the monitoring period from January 1, 2007 through December 31, 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

	1	1095	Number of violation days	
mark only one with an x	daily			Violation Base Penalty \$100
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	X		

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

Extraordinary	Reduction	
	Before NOV	NOV to EDPAP/Settlement Offer
Ordinary		
N/A	X	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$100

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$112 Violation Final Penalty Total \$142

This violation Final Assessed Penalty (adjusted for limits) \$142

# Economic Benefit Worksheet

**Respondent:** COMMUNITY UTILITY COMPANY  
**Case ID No.:** 44339  
**Req. Ent. Reference No.:** RN101198554  
**Media:** Public Water Supply  
**Violation No.:** 8

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$504	31-Dec-2009	1-Mar-2013	3.17	\$5	\$106	\$112
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to pay any outstanding lab fees so that the lab will release the radionuclide sampling results and the Respondent can provide them to the Executive Director. The date required is the last date of the monitoring period in which the radionuclide sampling results were not provided and the final date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$504

**TOTAL**

\$112





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	4-Jun-2012	Screening	12-Jun-2012	EPA Due	
	PCW	17-Jul-2012				

## RESPONDENT/FACILITY INFORMATION

Respondent	COMMUNITY UTILITY COMPANY		
Reg. Ent. Ref. No.	RN101198554		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	44339	No. of Violations	1
Docket No.	2012-1193-MLM-E	Order Type	1660
Media Program(s)	Water Rights	Government/Non-Profit	No
Multi-Media	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts  \*Capped at the Total EB \$ Amount  
 Approx. Cost of Compliance

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**

Screening Date 12-Jun-2012

Docket No. 2012-1193-MLM-E

PCW

Respondent COMMUNITY UTILITY COMPANY

Policy Revision 3 (September 2011)

Case ID No. 44339

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101198554

Media [Statute] Water Rights

Enf. Coordinator Epifanio Villarreal

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 39%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations, two NOVs with dissimilar violations, and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 39%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 39%

Screening Date 12-Jun-2012

Docket No. 2012-1193-MLM-E

PCW

Respondent COMMUNITY UTILITY COMPANY

Policy Revision 3 (September 2011)

Case ID No. 44339

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101198554

Media [Statute] Water Rights

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B)

Violation Description Failed to adopt a Drought Contingency Plan which includes all elements for municipal use by a retail public water supplier.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1

140 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$348

This violation Final Assessed Penalty (adjusted for limits) \$348

# Economic Benefit Worksheet

**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Reg. Ent. Reference No.** RN101198554  
**Media** Water Rights  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$180	24-Jan-2012	1-Mar-2012	0.10	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to adopt a drought contingency plan, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$180

**TOTAL**

\$1

**TCEQ**  
**DATES** Assigned 4-Jun-2012 Screening 12-Jun-2012 EPA Due             
 PCW 17-Jul-2012

**RESPONDENT/FACILITY INFORMATION**  
 Respondent COMMUNITY UTILITY COMPANY  
 Reg. Ent. Ref. No. RN101198554  
 Facility/Site Region 12-Houston Major/Minor Source Minor

**CASE INFORMATION**  
 Enf./Case ID No. 44339 No. of Violations 13  
 Docket No. 2012-1193-MLM-E Order Type 1660  
 Media Program(s) Public Water Supply Government/Non-Profit No  
 Multi-Media Water Rights Enf. Coordinator Epifanio Villarreal  
 EC's Team Enforcement Team 2  
 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

**Penalty Calculation Section**

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$2,280

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** 39.0% Enhancement **Subtotals 2, 3, & 7** \$889

Notes 

Enhancement for three NOVs with same/similar violations, two NOVs with dissimilar violations, and one agreed order containing a denial of liability.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

Notes 

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$0

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$2,464  
 Approx. Cost of Compliance \$23,900  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$3,169

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 4.9% **Adjustment** \$155

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes 

Enhancement recommended for recovery of avoided costs of compliance for violation nos. 4, 5, and 11.

**Final Penalty Amount** \$3,324

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$3,330

**DEFERRAL** 20.0% Reduction **Adjustment** -\$666

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes 

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$2,664

Screening Date 12-Jun-2012

Docket No. 2012-1193-MLM-E

PCW

Respondent COMMUNITY UTILITY COMPANY

Policy Revision 3 (September 2011)

Case ID No. 44339

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101198554

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 39%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations, two NOVs with dissimilar violations, and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 39%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 39%

**Screening Date** 12-Jun-2012  
**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Reg. Ent. Reference No.** RN101198554  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2012-1193-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Violation Number** 1

**Rule Cite(s)**

30 Tex. Admin. Code § 290.46(n)(2)

**Violation Description**

Failed to develop, maintain, and make available for Commission review an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies.

**Base Penalty** \$1,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%

>> **Programmatic Matrix**

Falsification	Harm		
	Major	Moderate	Minor
	X		

**Percent** 5.0%

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment** \$950

\$50

**Violation Events**

**Number of Violation Events** 1

140 **Number of violation days**

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

**Violation Base Penalty** \$50

One single event is recommended.

**Good Faith Efforts to Comply**

0.0% **Reduction**

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	X	(mark with x)

**Notes**

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

**Violation Subtotal** \$50

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$10

**Violation Final Penalty Total** \$73

**This violation Final Assessed Penalty (adjusted for limits)** \$73

# Economic Benefit Worksheet

**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Req. Ent. Reference No.** RN101198554  
**Media** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	24-Jan-2012	1-Mar-2013	1.10	\$10	n/a	\$10

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop, maintain, and make available for Commission review an up-to-date map of the distribution system, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

**TOTAL**

\$10



Screening Date 12-Jun-2012

Docket No. 2012-1193-MLM-E

PCW

Respondent COMMUNITY UTILITY COMPANY

Policy Revision 3 (September 2011)

Case ID No. 44339

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101198554

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to compile, maintain, and make available for Commission review an accurate and up-to-date plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0.0%).

>> Programmatic Matrix

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

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$1,000

Violation Events

Number of Violation Events 1 Number of violation days 140

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event. 'X' is marked under 'single event'.

Violation Base Penalty \$0

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

# Economic Benefit Worksheet

**Respondent** COMMUNITY UTILITY COMPANY  
**Case ID No.** 44339  
**Req. Ent. Reference No.** RN101198554  
**Media** Public Water Supply  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	24-Jan-2012	1-Mar-2013	1.10	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed cost includes the estimated amount to compile the plant operations manual, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** **TOTAL**

\$100

\$6