EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NUMBER: 2004-1457-PWS-E TCEQ ID NOS: 0340041 AND RN101388866 ENF ID: 19717 RESPONDENT NAME: CITY OF DOMINO

Page 1 of 3

ORDER TYPE:

<u>X</u> 1660 AGREED ORDER SHUTDOWN ORDER	FINDINGS AGREED ORDER FINDINGS DEFAULT ORDER	AMENDED ORDER EMERGENCY ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
CASE TYPE:			-
AGRICULTURE	AIR	INDUSTRIAL AND HAZARDOUS WASTE	MUNICIPAL SOLID WASTE
OCCUPATIONAL CERTIFICATION	PETROLEUM STORAGE TANKS	X_PUBLIC WATER SUPPLY	RADIOACTIVE WASTE
MULTI-MEDIA (check all that apply)	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL	USED OIL
USED OIL FILTER	WATER QUALITY	DRY CLEANER REGISTRATION	

SITE WHERE VIOLATION(S) OCCURRED: Farm-to-Market Road 3129, 0.4 miles east of Highway 59 and north of Queen City, Cass County

TYPE OF OPERATION: Public water supply system

SMALL BUSINESS: X Yes No

OTHER SIGNIFICANT MATTERS: There are no previous complaints. There is no record of additional pending enforcement actions regarding this facility.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The Texas Register comment period expired on January 15, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Shannon Strong, Litigation Division, MC 175, (512) 239-0907; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Audra Ruble, Enforcement Division, Corpus Christi Regional Office, MC R-14, (361) 825-3126 TCEQ Regional Contact: Mr. Noel Luper, Tyler Regional Office, MC R-5, (903) 535-5174 Respondent: The Honorable Marvin Campbell, Mayor of City of Domino, 14555 FM 3129, Queen City, Texas 75572 Respondent's Attorney: Not represented by counsel.

RESPONDENT'S NAME: CITY OF DOMINO DOCKET NO.: 2004-1457-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: Complaint Routine Enforcement Follow-up Records Review	Total Assessed: \$7,146	Corrective Action(s) Taken
Date(s) of Complaints Relating to this Case: None	Total Deferred: \$0 Expedited Settlement	No corrective action is recommended because the violations are one time events with no opportunity for
Date(s) of Investigation(s) Relating to this Case: July 25, 2003; September 14, 2004	Financial Inability to Pay	compliance.
Date(s) of NOV(s)/NOE(s) Relating to this Case: October 14, 2003; September 14, 2004 (NOE)	Total Paid/Due to General Revenue: \$2,683/ \$4,463	
 Background Facts: The Litigation Division filed an EDPRP on May 6, 2004. The Respondent filed an Answer on August 25, 2004. The LD referred the case to SOAH on October 12, 2004. A preliminary hearing was held on January 13, 2005 and the date for the evidentiary hearing was set for March 23, 2005. The Respondent signed an Agreed Order on March 9, 2005 and the LD filed a Motion for Remand with SOAH on March 11, 2005. The Motion was granted on March 15, 2005. A subsequent case was referred to the Litigation Division. The case was put on hold once it was determine the City could have an inability to pay review done for this case and the previous case. The two cases were consolidated and the Respondent paid \$150/month during the settlement period even though an Agreed Order had not been signed, therefore \$2,683 of the penalty has been paid. The Respondent signed the Agreed Order addressing the violations in both cases, now combined, and with a payment plan, on November 7, 2006. The Respondent declined to do the inability to pay analysis, instead choosing to do an 	The Respondent has paid \$2,683 of the administrative penalty. The remaining amount of \$4,463 will be payable in an initial installment payment of \$158 and then subsequently 35 monthly payments of \$123 each. Site Compliance History Classification: N/A Person Compliance History Classification: High $$ AvgPoor Major Source:Yes $$ No Applicable Penalty Policy: September 2002	
installment payment plan. The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.		
PWS: 1. Failed to collect and submit routine monthly water samples from the Facility for bacteriological analysis for August, September, October, November, and December 2002 and February, March, April, May, June, July, and August 2003 and failing to provide public notice related to its failure to collect and submit samples for bacteriological analysis for August, September, October, November, and December 2002 and February, March, April, May, June, July, and August 2003 [30 TEX. ADMIN. CODE § 290.109(c)(2) and (g) and TEX. HEALTH AND SAFETY CODE § 341.033(d)].		-

Page 2 of 3

RESPONDENT'S NAME: CITY OF DOMINO DOCKET NO.: 2004-1457-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
2. Failed to submit additional water samples in October 2003, and May and July 2004 after routine samples tested positive for bacteria [30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii)].		
3. Exceeded the maximum contaminant level (MCL) of 0.080 mg/L for total trihalomethanes [30 TEX. ADMIN. CODE § 290.113 and TEX. HEALTH AND SAFETY CODE § 341.0315(c)].		
4. Exceeded the MCL for bacteriological samples submitted in October 2003, and May and July 2004 and failing to provide public notice for sampling deficiencies in May, June and July 2004 [30 TEX. ADMIN. CODE §§ 290.122(b)(1)(A), 290.109(b)(2) and (g)(3) and TEX. HEALTH AND SAFETY CODE § 341.031(a)].		
5. Failed to take at least five bacteriological samples in November 2003, and June and August 2004 following a positive coliform sample [30 TEX. ADMIN. CODE § 290.109(c)(2)(F)and (g)(4) and 290.122(c)].	· · ·	
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Policy Revision 2 (09/	02)	Penalty Cal	culation	Worksheet (PCW)		PCW Revision 6/12/200
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[Statute]			66 / Public Water St	ipply No. 0340041			
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	Enf. Coordinator		ирріу				
	Violation Number		7				
	Primary Rule Cite	20 Toy Ad	Imin Code § 290	.109(c)(2) and 341.033(d	d Tex. Health and Sa d)	fety Code §	
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ID Number(s) (•				8	Percent	Years of
Media [Statute] F		.h.,				Interest	Depreciation
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$(
Buildings				0.0	\$0	\$0	\$(
Other (As needed)		. ·		0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$(
Record Keeping System		- 		0.0	\$0	n/a	\$(
Training/Sampling				0.0	\$0	n/a	\$
Remediation/Disposal				0.0	\$0	n/a	\$
Permit Costs	-	·		0.0	\$0	n/a	\$(
Other (As Needed)				0.0	\$0	n/a	\$0
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Disposal				0.0	\$0	\$0	\$0
Personnel		<u>,</u> , , , , , , , , , , , , , , , , , ,		0.0	\$0	\$0	\$0
nspection/Reporting/Sampling	\$500	1-Aug-2002	30-Aug-2003	1.1	\$27	\$540	\$567
Supplies/equip				0.0	\$0	\$0	\$(
Financial Assurance [2]	· · · · ·			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$(
Other (as needed)				0.0	\$0	\$0	\$0
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			noulcation of	sampung	violations.		
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PC\ evision 2 (09/0	Policy P	ber 2004-1457-PWS-E	Docket Ni		Screening Date	
vision 6/12/20	-			City of Domino CCEDS No. 9876	행위에 이상 영상에 가장할 것이 없는 것이다.	
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		Water Supply No. 0340041		Public Water Supp		Respo
			лу	••	Enf. Coordinator	
•				2	violation Number	The sector states sector.
		Code § 290.109(c)(3)	30 Tex. Admir	////////	rimary Rule Cite	P
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	ive amounts of cumented in a	mples required when excessiv ober 2003 sample as was doc March 2, 2004.	vere tound in the C	Failed to submit the coliform bacteria w	ation Description	Viol
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	- u	rix	uman Health M	Property and Hu	Environmental,	»
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•		or	Moderate N	Major	Release	
•					Actual	OR
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•					Programmatic N	»
•]	or Downourt	Moderate M	Major	Falsification	OR
•]	Percent				UN
•		etected contaminated water iman illness.		ditional water same distributed to the F		Matrix Notes
•	-\$750	Adjustment				
\$25	alty Subtotal	Base Penal				
•			0.000		Violation Events	
			1	olation Events	Number of Vi	
• • •			X	daily monthly quarterly	only one; use small x	mark
\$25	se Penalty	Violation Bas		semiannual annual single event		、
		tation of the violation in the i March 2, 2004.		s recommended ba ed October 23, 200		Events Notes
		Statutory Limit Test	iolation	it (EB) for this v	Economic Bener	
\$31	enaltv total	Violation Final Pe	\$0	B Amount (\$)	Estimated F	
	,		ψυ		Estimated E	

				Costs Induities in an in Advances		and having the balance of the second seco	CONTRACTOR AND
Respondent	City of Domino	•			-		
ID Number(s)	CCEDS No. 9876					Percent	Years of
Media [Statute]	Public Water Supp	ly				Interest	Depreciation
Violation Number	· 2	ni gin mu ana ing pagaana ing paga	والمراجعة والمستقدين المتعاولين والمتعارك والمراجع المراجع والمتعارين والمتعارين والمتعارين	endersten staten i verberet.		5.0	1
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment			l ·	0.0	\$0	\$0	\$
Buildings		· ·		0.0	\$0	\$0	\$
Other (As needed)				0.0	\$0	\$0	· \$
Engineering/construction				0.0	\$0	\$0	\$
Land				0.0	\$0	n/a	\$
Record Keeping System				0.0	\$0	n/a	\$
Training/Sampling				0.0	\$0	n/a	
Remediation/Disposal		······		0.0	\$0	n/a	\$
Permit Costs				0.0	\$ 0	n/a	\$
Other (As Needed)				0.0	\$0	n/a	\$
Avoided Costs			woldedcosts be	foro ontor	na itom (ovcont	for one-time avo	ideal acades)
Disposal					so	so	sueu costs) \$
Personnel	t			0.0	\$0 \$0	\$0	
spection/Reporting/Sampling		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	0.0	\$0 \$0	\$0	<u>. </u> γ \$
Supplies/equip		· · · · · · · · · · · · · · · · · · ·		0.0	\$0	\$0	\$
Financial Assurance [2]				0.0	\$0	\$0	\$
ONE-TIME avoided costs [3]				0.0	\$0	\$0	
Other (as needed) Notes for AVOIDED costs				. 0.0	\$0 \$0	\$0 \$0	\$
			. (

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	Page 10 of 14		:\WINNT\Temp\Up			qpw	
		Econom	ic Benefit Wo	rksheet	and and a second se		
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아이들 방법은 물건을 가지 않는 것이 가지 않는 것이 많이 많이 많이 많다.	CCEDS No. 9876					Percent	Years of
Media [Statute]	•	ply .				Interest	Depreciation
Violation Number	0			an a		5.0	1
	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Description			under die Neuerralau d	Ethol H. C. Later			
Delayed Costs							
Equipment				0.0	\$0	\$0	\$
Buildings				0.0	\$0	\$0	\$
Other (As needed)				0.0	\$0	\$0	\$
Engineering/construction				0.0	\$0	\$0	
Land				0.0	\$0	n/a	\$
Record Keeping System		<u> </u>		0.0	\$0	n/a	
Training/Sampling				0.0	\$0	n/a	
Remediation/Disposal				0.0	\$0 \$0	n/a	9
Permit Costs				0.0	\$0	n/a	
Other (As Needed)				0.0	\$0 \$0	n/a	
Notes for DELAYED costs		Н			401	er og filler og starter og st	X
·							
	<u> </u>				•		
Avoided Costs		ANNUALIZE [1] avoided costs be	fore enteri	na item (except	for one-time avo	ided costs)
Disposal				0.0	\$0	\$0	. 9
Personnel				0.0	\$0	\$0	9
spection/Reporting/Sampling				0.0	\$0	\$0	9
Supplies/equip				0.0	\$0	\$0	9
Financial Assurance [2]				0.0	\$0	\$0	. 9
				4	\$0	\$0	
ONE-TIME avoided costs [3]				0.01	301		
				0.0	\$0 \$0		
ONE-TIME avoided costs [3]	 []			0.0		\$0 \$0	
ONE-TIME avoided costs [3] Other (as needed)							
ONE-TIME avoided costs [3] Other (as needed)							
ONE-TIME avoided costs [3] Other (as needed)							\$

	Page 1	11 of 14 03/29	/07 C:\WIN	NT\Temp\U	pdated-RequestedPCW	'3-07.qpw	
	Screening Date	01-Oct-03	Docke	t Number	2004-1457-PWS-E		PCW
가 한 것을 통해 생각한 것을 통해	Respondent	City of Domino					evision 2 (09/02)
	the second s	CCEDS No. 9876				PCW Re	vision 6/12/2003
Respo	ndent/Site ID No.	CN600663769 / I	RN101388866/	Public Wate	er Supply No. 0340041		
이 같은 것이다. 같은 것이라고	Media [Statute]		oply				
	Enf. Coordinator	i i i i i i i i i i i i i i i i i i i	1				
	iolation Number						•
	rimary Rule Cite						
	Secondary Cite(s) ation Description						r
v 101	ation Description						
					······································		
]	Base Penalty	\$1,000
»	Environmental,	Property and H	luman Healt	h Matrix			•
n all an trai			Harm				•
	Release	Major	Moderate	Minor			•
OR	Actual				r		•
	Potential				Percent		•
to Carrie		C TO THE REPORT OF THE PARTY OF T					•
»	Programmatic N	1atrix					•
	Falsification	Major	Moderate	Minor	r		•
OR		·			Percent		•
Matrix Notes					dadaan ahaa daa daa ahaa dadaa da		
			· ·		Adjustment	-\$1,000	
						alty Subtotal	\$0
	Violation Events						•
. Antonia Maria Maria Ma		olation Events	ne lovi ci 2004 galenzar antala]			
		<u>[</u>		<u>Ч</u>			
mark	only one; use small x	daily]			
		monthly					•
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		semiannual]	Violation Ba	ise Penalty	\$0
		annual]			
		single event					
Events			-]		
Notes	· .						
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	Economic Bene	fit (EB) for this	violation		Statutory Limit Test		
				1			
	Estimated E	B Amount (\$)	\$0		Violation Final P	enalty total	\$0
				_			
MIN SHIMA		This Viol	lation Final	Assessed	l Penalty (adjusted	for limits)	\$0
				· · · · · · · · · · · · · · · · · · ·			

		Economi	c Benefit Wo	rksheet			Receive The Park
Respondent C	City of Domino	ele en recht in de ser en de s	n i dh'air bhanail a lanfaich a' leol bhan 1 bheidinn ann All Birle I all a s	na hainn a bhainn a bhainn ann an tha th' i rhann le an 2010 ann ann			
ID Number(s) C						Percent	Years of
Media [Statute] F		oly				Interest	Depreciation
Violation Number	0				·	5.0	1
	ltem	Date	Final	Yrs Ir	nterest	Onetime	EB
_ ltem	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$		an an that the set of	an a			an a
					er forsk visite be		
Delayed Costs			100 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 	<u>4 38 1 49 1 (17 24</u> 1 1			이 일일 같은 것은 것은 것
Equipment				0.0	\$0	. \$0	
Buildings				0.0	\$0	\$0	
Other (As needed)				0.0	\$0	\$0	
Engineering/construction				0.0	\$0	\$0	
				0.0	\$0	n/a	
Record Keeping System				0.0	\$0	n/a	
Training/Sampling				0.0	\$0	n/a	
Remediation/Disposal				0.0	\$0	<u>n/a</u>	
Permit Costs				0.0	\$0	n/a	
Other (As Needed)				0.0	\$0	n/a	
Avoided Costs		ANNUALIZE [1]	avoided costs be	fore entering i	tem (except	for one-time avo	ided costs)
Disposal		-		0.0	\$0	\$0	
Personnel				0.0	\$0	\$0	
spection/Reporting/Sampling			· · ·	0.0	\$0	\$0	
Supplies/equip				0.0	\$0	\$0	
					\$0	\$0	Ś
Financial Assurance [2]		5		0.0		φυ	
Financial Assurance [2]		5. 		0.0	\$0 \$0	\$0 \$0	
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		•					5
Financial Assurance [2] ONE-TIME avoided costs [3]				0.0	\$0	\$0	
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0	\$0	\$0	5
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		, 		0.0	\$0	\$0	
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		· · · · · · · · · · · · · · · · · · ·		0.0	\$0 \$0	\$0	9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9

Respondent Case ID No. Case ID No. Case ID No. CCEDS No. 9876 Policy Revision 2 (09/02 PCW Revision 6/12/2003 Respondent/Site ID No. CN600663769 / RN101388866 / Public Water Supply No. 0340041 Media [Statute] Public Water Supply Enf. Coordinator Violation Number Public Water Supply Primary Rule Cite Secondary Cite(s) Violation Description Statute Secondary Cite(s) Violation Description Base Penalty \$1,000 Programmatic Matrix Harm Programmatic Matrix Percent Programmatic Matrix Percent Matrix Notes Major Matrix Palicy Revision 6/12/2003		Page 1	13 of 14 03/29	0/07 C:\WIN	NT\Temp\L	pdated-RequestedPC	W3-07.qpw	
Case ID No. CCEDS No. 9876 PCW Revision 6/12/2003 Respondent/Site ID No. CCEDS No. 9876 Respondent/Site ID No. CCEDS No. 9876 Respondent/Site ID No. COEDS No. 9876 Respondent/Site ID No. 024004 Respondent/Site ID No. 1000 Responde		Screening Date	01-Oct-03	Docke	t Number	2004-1457-PWS-E		PCW
Case Drive Concentration Respondent/Site ID No. CN00063769 / NV101388866 / Public Water Supply No. 0340041 Media [Statute] Public Water Supply Enf. Coordinator Addra Rubie Violation Number Primary Rule Cite Secondary Cite(s) Base Penalty \$1,000 * Environmental / Eroperty, and Human, Health Matrix Base Penalty \$1,000 * Environmental / Eroperty, and Human, Health Matrix Base Penalty \$1,000 * Environmental / Eroperty, and Human, Health Matrix Base Penalty \$1,000 * Programmatic Matrix Percent * * Programmatic Matrix * * * Falsification Major * * * Programmatic Matrix * * * * Violation Events <td></td> <td>Respondent</td> <td>City of Domino</td> <td></td> <td></td> <td></td> <td>-</td> <td></td>		Respondent	City of Domino				-	
Media [Statute] Public Water Supply Enf. Coordinator Addra Rube Violation Number Primary Rule Cite Secondary Cite(s) Base Penalty Violation Description Base Penalty Base Penalty \$1,000 Actual Harm Release Major Moderate Minor OR Programmatic Matrix Programmatic Matrix Percent Base Penalty Science OR Programmatic Matrix Programmatic Matrix Percent Matrix Science Notes Adjustment Adjustment \$1,000 Motor Ovione; use smalt x daily gain annual Violation Base Penalty \$0 mark only one; use smalt x daily semiannual Violation Base Penalty \$0 single event S0 Economic Benefit (EB) for this violation S1 S0 Violation Final Penalty total \$0								evision 6/12/2003
Enf. Coordinator Audra Ruble Violation Number	Respon				Public Wat	ter Supply No. 034004	1	
Violation Number Primary Rule Cite Secondary Cite(s) Violation Description Base Penalty \$ Environmental. Property and Humani-Health Matrix Harm Release Major Ori Actual Potential Potential Programmatic Matrix Falsification Major Moderate More Percent * Programmatic Matrix Falsification Major Moderate More Percent * Programmatic Matrix Secondary Matrix Notes Adjustment -\$1,000 mark only one; use small x daily mark only one; use small x daily semiannual single event So Violation Base Penalty So Economic Benefit (EB) for this violation So </td <td></td> <td>2. 영화 2 2. · · · · · · · · · · · · · · · · · ·</td> <td></td> <td>pply</td> <td></td> <td></td> <td>,</td> <td></td>		2. 영화 2 2. · · · · · · · · · · · · · · · · · ·		pply			,	
Primary Rule Cite Secondary Cite(\$) Violation Description Base Penalty \$ Environmental, Property, and Human Health Matrix. Base Penalty \$ Release Major Matrix Harm \$ Programmatic Matrix Percent * Programmatic Matrix Percent * Programmatic Matrix Percent * Programmatic Matrix Percent * Major Moderate * Programmatic Matrix Percent * Matrix Matrix * Programmatic Matrix Percent * Matrix Matrix * Programmatic Matrix Percent * Matrix Matrix * Matrix Percent				ก	*			
Secondary Cite(s)					<u> </u>			1
Violation Description Base Penalty \$1,000 * Environmental, Property, and Human Health Matrix. * Release Major Moderate Minor OR Actual * * Potential Percent * * Programmatic Matrix * * Falsification Major Moderate Matrix * * * * Programmatic Matrix * * * Falsification Major Moderate Minor OR						·		
Base Penalty \$1,000 * Environmental, Property and Human Health/Matrix * • Harm * • Actual * • Potential * • Programmatic Matrix * * Programmatic Matrix * * Palsification Major Moderate Matrix * * * * Palsification Major * • Palsification Malor * • Palsification Moderate Minor • Programmatic Matrix * * * Programmatic Matrix * * • Palsification Moderate Minor * • • Percent * * * Matrix * * * * * Matrix * * * * * * Matrix * * * * * * * * * *<								
* Environmental, Property and Human Health Matrix Harm * Actual Major Potential Percent * Programmatic Matrix * Faisfication Major Moderate Matrix * Patrix Faisfication Notes * Violation Events * Number of Violation Events * Number of Violation Events * mark only one; use small x daily quarterly * semiannual * single event * Kotes * Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount (\$) \$0	101	ation Description						
* Environmental, Property and Human Health Matrix Harm * Actual Major Potential Percent * Programmatic Matrix * Faisfication Major Moderate Matrix * Patrix Faisfication Notes * Violation Events * Number of Violation Events * Number of Violation Events * mark only one; use small x daily quarterly * semiannual * single event * Kotes * Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount (\$) \$0						<u> </u>		
Harm OR Actual Programmatic Matrix * Programmatic Matrix Falsification Major OR Percent * Programmatic Matrix * Falsification Matrix Percent Matrix * Notes - Matrix Adjustment Solution Events - Number of Violation Events - mark only one; use small x daily guarterly - semiannual - single event - Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount (\$) \$0							Base Penalty	\$1,000
OR Release Major Moderate Minor Potential Percent	»	Environmental,	Property and I	Human Healtl	n Matrix			•
OR Actual Percent				Harm				•
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Number of Violation Events						Base Per	nalty Subtotal	\$0
mark only one; use small x daily . monthly . . quarterly . . semiannual . . single event . . Events . . Notes . . Economic:Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount (\$) \$0		Violation Events	÷					•
monthly wonthly quarterly semiannual single event Violation Base Penalty Events single event Notes Economic Benefit (EB) for this violation Estimated EB Amount (\$) \$0 Violation Final Penalty total \$0		Number of Vi	olation Events					
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Estimated EB Amount (\$) \$0 Violation Final Penalty total \$0	Notes							
Estimated EB Amount (\$) \$0 Violation Final Penalty total \$0	<u></u>					Olor land	21	
	li edit mili	Economic Bene	IT (EB) for this	violation		Statutory Limit le	SL	
		Fatimated F	B A mount (m)	¢		Violation Final	Donalty total	
This Violation Final Assessed Penalty (adjusted for limits) \$0		Estimated E	D Amount (\$)[\$ 0			enany total	\$0
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2017년 1월 1991년 1월 19 1월 1991년 1월 1991년 1월 1월 1991년 1월		ECONOMI	c Benefit Wo	N KONCC	t		- OSCA-OLARTIPATIA A CONTRACTOR
Respondent	City of Domino						
「「「「「「」」」、「「」」、「「「」」、「」、「」、「」、「」、「」、「」、「	CCEDS No. 9876					Percent	Years of
Media [Statute]	Public Water Supp	bly				Interest	Depreciation
Violation Number	0.					5.0	1
	Item	Date	Final	Yrs	Interest	Onetime	EB
ltem	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Description				ine alter de alter de la composition de La composition de la c		h dhullad dha alla alla a	
Delayed Costs							
Equipment				0.0	\$0	\$0	
Buildings				0.0	\$0 ·	\$0	•
Other (As needed)	· .	· .		0.0	\$0	\$0	
Engineering/construction				0.0	\$0	\$0	9
Land				0.0	\$0	n/a	9
Record Keeping System				0.0	\$0	n/a	` \$
Training/Sampling				0.0	\$0	n/a	Ś
Remediation/Disposal				0.0	\$0	n/a	9
Permit Costs	l		1		CO		
rermit Costs				0.0	\$0	n/a	4
Other (As Needed) Notes for DELAYED costs				0.0	\$0 \$0	n/a n/a	
Other (As Needed) Notes for DELAYED costs		ANNU (A) 125 141]	\$0	n/a	\$
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Other (As Needed) Notes for DELAYED costs Avoided Costs		ANNUALIZE [1]	avoided costs be	0.0	\$0 ing item (except \$0	n/a for one-time avc \$0	\$ bided costs) \$
Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		ANNUALIZE [1]	avoided costs be	0.0	\$0 ing item (except \$0 \$0	n/a for one-time avc \$0 \$0	\$ bided costs) \$ \$
Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		ANNUALIZE [1]	avoided costs be	efore enter	\$0 ing item (except \$0 \$0 \$0	n/a for one-time avo \$0 \$0 \$0	Sided costs) \$ \$ \$ \$ \$
Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel (nspection/Reporting/Sampling		ANNUALIZE [1]	avoided costs be	efore enter 0.0 0.0 0.0 0.0	\$0 ing item (except \$0 \$0 \$0 \$0	n/a for one-time avc \$0 \$0 \$0 \$0 \$0	pided costs) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel (nspection/Reporting/Sampling Supplies/equip		ANNUALIZE [1]	avoided costs be	efore enter	\$0 ing item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a for one-time avc \$0 \$0 \$0 \$0 \$0 \$0 \$0	5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2]		ANNUAL!ZE [1]	avoided costs be	efore enter 0.0 0.0 0.0 0.0 0.0 0.0	\$0 ing item (except \$0 \$0 \$0 \$0	n/a for one-time avo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	bided costs) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]		ANNUALIZE [1]	avoided costs be	efore enter 0.0 0.0 0.0 0.0 0.0	\$0 ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a for one-time avc \$0 \$0 \$0 \$0 \$0 \$0 \$0	bided costs) 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9
Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		ANNUAL!ZE [1]	avoided costs be	efore enter 0.0 0.0 0.0 0.0 0.0 0.0	\$0 ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a for one-time avo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	bided costs) 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9
Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		ANNUALIZE [1]	avoided costs be	efore enter 0.0 0.0 0.0 0.0 0.0 0.0	\$0 ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a for one-time avo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sided costs) bided costs) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$

03/30/07 C:\WINNT\Temp\2004-1457-pws-e-qcp-Domino.wb3 Page 1 of 10 Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision May 17, 2004 **ICEQ** DATES PCW 07-Jan-2005 Screening 14-Sep-2004 Priority Due 13-Nov-2004 **EPA Due RESPONDENT/FACILITY INFORMATION** Respondent City of Domino Reg. Ent. Ref. No. RN101388866 Additional ID No(s). Public Water Supply No. 0340041 Facility/Site Region 5-Tyler |<|Major/Minor Source Minor Source < **CASE INFORMATION** Enf./Case ID No. 19717 No. of Violations 4 Docket No. 2004-1457-PWS-E Order Type 1660 without deferral N Case Priority Enf. Coordinator Audra L. Ruble Media Program(s) Public Water Supply 2 EC's Team Enforcement Team 8 < Multi-Media Admin. Penalty \$ Limit Minimum \$1.000 \$50 Maximum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,250 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage **Compliance History** 37% Enhancement Subtotals 2, 3, & 7 \$833 Respondent received seven NOV letters dated October 10 and November 8, 2002, January 13, February 6, September 10 and October Notes 23, 2003 and May 27, 2004 for the same or similar violations and one non-similar NOV dated December 16, 2004. Culpability No 0% Enhancement Subtotal 4 \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0 Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A х (mark with a small x) Notes The Respondent does not meet the good faith effort criteria. **Economic Benefit** 0% Enhancement Subtotal 6 \$0 *Capped at the Total EB \$ Amount Total EB Amounts \$294 Approx. Cost of Compliance \$4,000 **SUM OF SUBTOTALS 1-7 Final Subtotal** \$3,083 **OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.) Notes Final Penalty Amount \$3,083 STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$3,083 DEFERRAL Reduction Adjustment \$0

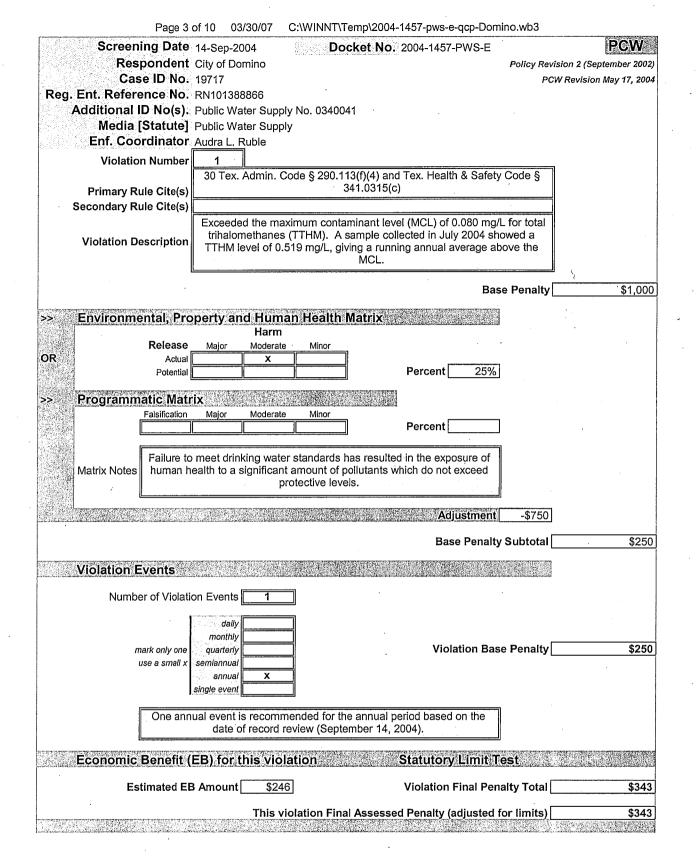
Notes No deferral is recommended because this is a non-expedited case.

\$3,083

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

PAYABLE PENALTY

Scree	ning Date 14-Sep-2004 Docket No. 2004-1457-PWS-E		PCW
	spondent City of Domino	Policy Rev	ision 2 (September 20
	se ID No. 19717		W Revision May 17, 20
	ence No. RN101388866		
	ID No(s). Public Water Supply No. 0340041		
	[Statute] Public Water Supply		,
	ordinator Audra L. Ruble		
Site	Address Farm-to-Market Road 3129, 0.4 miles east of Highway 59, north	n of Queen (City, Cass
	County		
	Compliance History Worksheet		
Compliance H	istory Site Enhancement (Subtotal 2)		
Componen	Number of Enter	Number Here	Adjust.
	Written NOVs with same or similar violations as those in the current	7	35%
NOVs	enforcement action (number of NOVs meeting criteria) Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability		
	(number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders		
Olders	without a denial of liability, or default orders of this state or the federal	0	0%
	government, or any final prohibitory emergency orders issued by the commission	U U	078
	Any non-adjudicated final court judgments or consent decrees containing		
Judgments	a denial of liability of this state or the federal government (number of	0	0%
and	judgements or consent decrees meeting criteria)		078
Consent	Any adjudicated final court judgments and default judgments, or		
Decrees	non-adjudicated final court judgments or consent decrees without a denial	0	0%
	of liability, of this state or the federal government		
Convictions	Any criminal convictions of this state or the federal government (number	0	0%
	of counts)		
Emissions	Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted	0	0%
	under the Texas Environmental, Health, and Safety Audit Privilege Act,	0	0%
	74th Legislature, 1995 (number of audits for which notices were	, v	0.70
Audits	Disclosures of violations under the Texas Environmental, Health, and		
	Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for	0	0%
L	which violations were disclosed)		
	Please En Environmental management systems in place for one year or more	ter Yes or No	0%
	Voluntary on-site compliance assessments conducted by the executive	No	
Other	director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or	No	0%
L	federal government environmental requirements		
	Adjustment Percen	tage (Sub	ototal 2) 379
Repeat Violato	r (Subtotal 3)		
N/A	Adjustment Percen	tage (Sub	ototal 3) 09
Compliance Hi	story Person Classification (Subtotal 7)		an a
Average Per	former K Adjustment Percen	tage (Sub	total 7) 0%
Compliance Hi	story Summary		
Compliance	Respondent received seven NOV letters dated October 10 and November 8 February 6, September 10 and October 23, 2003 and May 27, 2004 for th	8, 2002, Jan te same or :	luary 13, similar
History Notes	violations and one non-similar NOV dated December 16, 20	004.	



Page 4	of 10 03/30	07 C:WIN	VT\Temp\2004	-1457-p	ws-e-qcp-Dom	ino.wb3	
	Ec	conomic E	Benefit Wo	rksh	eet		
Respondent Case ID No. Reg. Ent. Reference No. Additional ID No(s).	City of Domino 19717 RN101388866))	nachanadh nach à da bhfadarach a' fan fhairne.		and guide a second structure and a second	Salandarusi, Store over trabi	annan kara an karafan da karafan da kara na an kara
Media [Statute]			0041			Percent	Years of
Violation No.						Interest	Depreciation
						5.0	15
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment			1	0.0	\$0	\$0	\$0
Buildings]	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	· \$0	\$0
Land			· .	0.0	\$0	. n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs		L		0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	12-Jul-2004	01-Jul-2006	2.0	\$246	n/a	\$246
Notes for DELAYED costs			ampling and fin		rovide water me is when compl I.		
Avoided Costs	ANNI	JALIZE [1] avoide	d costs before en	itering it	em (except for one	e-time avoided co	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel			· · · ·	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment			[0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	•			0.0	\$0	\$0	\$0
Other (as needed)			L	0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Page 5	of 10 03/30/07	C:\WINNT\Temp)\2004-1457-pws-e-qcp-Dom	ino.wb3	
Screening Date		Docke	t No. 2004-1457-PWS-E		PCW
나는 것은 사람이 많은 것은 것은 것은 것을 하는 것을 가지 않는 것이 없는 것이다.	City of Domino			Policy Revi	sion 2 (September 2002
Case ID No.				PC	N Revision May 17, 200
Reg. Ent. Reference No.					
Additional ID No(s).					
Media [Statute]		ply			
Enf. Coordinator Violation Number					
			(b)(2) and (g)(3) and Tex. H § § 341.031(a)	ealth &	
Primary Rule Cite(s) Secondary Rule Cite(s)			de § 290.122(b)(1)(A)		
Violation Description		uly 2004. Failure t	al samples submitted in Octo o provide public notice for sa lay and July 2004.		
1			Bas	e Penalty[\$1,000
> Environmental. Pro			י איז איז איז איז איז איז איז איז איז איז		
Environmental, Pro	Harn		LIX.		
Release	Major Modera	ite Minor ·			
R Actual	x				
Potential			Percent 25%		
 Programmatic Mati 	iv				
Falsification	Major Modera	ite Minor			
			Percent		
				1	
	oosed to a signification		resulted in human health tants which do not exceed		
25 S.A.			Adjustment	-\$750	
			Base Penalty	Subtotal	. \$250
Violation Events					
Number of Violati	on Events 3				
	daily				
	monthly X			r	A 10 10
mark only one	quarterly		Violation Bas	e Penalty	\$750
use a small x	semiannual annual				
	single event	_			
positive	samples, October	2003, May and Ju	ed on the three months of ly 2004, as documented eptember 14, 2004.		
Economic Benefit (FB) for this vi	lation	Statutory Limit T	est	
Estimated El		21	Violation Final Pen	_	\$1,028
	h				
			sessed Penalty (adjusted f		\$1,028

Page 6	6 of 10 03/30	/07 C:\WINN	VT\Temp\2004-	·1457-pv	vs-e-qcp-Domi	no.wb3	
NE MARKE SCRIPT	E	conomic B	enefit Wo	rkshe	et		
Respondent Case ID No. Reg. Ent. Reference No. Additional ID No(s).	RN101388866	5	0041				laina na a' bha chuidh bhilidh bhil
Media [Statute] Violation No.		Supply				Percent Interest	Years of Depreciation
것은 사람의 45년 이번 10년 11년 11년 11년 11년 11년 11년 11년 11년 11년						5.0	15
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	. \$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	<u> </u>
Engineering/construction				0.0	\$0 \$0	\$0	\$0 \$0
Land Record Keeping System				0.0		n/a n/a	\$0 \$0
Training/Sampling	\$500	01-Oct-2003	31-Jul-2004	0.8	پر \$21 §	n/a	\$0 \$21
Remediation/Disposal	\$000	01-001-2000	01-001-2004	0.0	<u> </u>	n/a	<u>پح</u> ت \$0
Permit Costs		1		0.0	÷ \$0	n/a	\$0
Other (as needed)	[0.0	<u>\$0</u>	n/a	\$0
Notes for DELAYED costs	Estimated cos	st to conduct ac an	dditional water d final date is tl			ed is the first	
Avoided Costs	ANN	JALIZE [1] avoide	d costs before en	tering iter	n (except for one	-time avoided co	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			<u></u>	0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	•						
Approx. Cost of Compliance	\$500				100 La	TOTAL	\$21

ζ

Page	7 of 10 03/3	30/07 C	:\WINNT\	Temp\2004-1457-p\	vs-e-qcp-Dom	ino.wb3	
Screening Dat	e 14-Sep-200)4 ·	Do	ocket No. 2004-1	457-PWS-E		PCW
Responder	nt City of Dom	nino			ξ	Policy Revi	ision 2 (September 2002
Case ID No). 19717					PC	W Revision May 17, 200
Reg. Ent. Reference No							
Additional ID No(s). Public Wate	er Supply I	No. 03400	041			
Media [Statute							
Enf. Coordinato		uble					•
Violation Number		•		·			
Primary Rule Cite(·			e §§ 290.109(c)(2)(
Secondary Rule Cite(min. Code § 290.12			
Violation Descriptio	n 2003, and	June and	I August 2	utine bacteriological 2004 following a coli 5 for the sampling d	form positive :	sample.	
					Bas	e Penalty[\$1,000
>> Environmental, P	ropertv and	l Human	n Health	Matrix	losmer folget eg		
	a alla Ballanderi, 🗸 Maries Leiterij	Harm					
Releas	[Moderate	Minor	-			
DR Actu				Damaa			
Potenti	at X			Perce	nt 25%		
> Programmatic Ma	trix						
Falsificatio	enand of the later with the silical induces the later based	Moderate	Minor				
] Perce	nt		•
						1	
17.107.933966912				ples could allow un he Public and resul			
					Adjustment	-\$750	
					Base Penalty	Subtotal	\$250
Violation Events							
Number of Viola	ation Events	3		,			
	daily						
mark only on	e quarterly	<u> </u>		١	/iolation Bas	e Penaltv [∏]	\$750
use a small							
	annual						
	single event						
				for the months of I			
2003, ai				umented during a re er 14, 2004.	cord review		
·							•
Economic Benefit	(EB) for th	is violat	ion	Statut	ory Limit T	est	
Estimated I	EB Amount	\$21		Violati	on Final Pen	alty Total	\$1,028
		This viol	ation Fin	al Assessed Penal	v (adjusted f	or limite)	\$1,028
	a de la companya de l	CELCION CON					<u>پېرونې لومې د مېرونې مېرونې</u>

Page &			NT\Temp\2004- Benefit Wo				
Respondent Case ID No. Reg. Ent. Reference No. Additional ID No(s).	City of Domino 19717 RN101388866	na por se de la construcción de la)	den efter forskalder for signed ander andere andere signed andere and signed and signed and signed and signed a	KSHE			
Media [Statute] Violation No.	Public Water S		0041			Percent Interest	Years of Depreciation
						5.0	15
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment]	0.0	\$0	\$0	\$0
Buildings			·	0.0	\$0	\$0	\$0
. Other (as needed)]	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System]	0.0	\$0	n/a	\$0
Training/Sampling	\$500	01-Nov-2003	31-Aug-2004	0.8	\$21	n/a	\$21
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cos		dditional water d final date is th				violation date
Avoided Costs	ANNU	JALIZE [1] avoide	ed costs before en	tering ite	m (except for one	e-time avoided co	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		•		0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	\$500				• yz g. ****	TOTAL[\$21

	Page 9 of	10 03/30/0	07 C:\WINI	VT\Temp\20	04-1457-pws-e-qc	p-Domi	no.wb3		
Screenin	ng Date 1	4-Sep-2004		Docket N	o. 2004-1457-PV	VS-E			PCW
		ity of Domino)				Policy Revi	sion 2 (Sept	ember 2002)
그는 가슴을 알았는 것을 가려서 사람이 있는 것이 가지?	ID No. 1					•	PCI	N Revision I	lay 17, 2004
Reg. Ent. Referen									
Additional ID		ublic Water S ublic Water S		40041					
		udra L. Ruble							
Violation									
Duine and Duil			30 Tex. Adn	nin. Code §	290.109(c)(3)(A)(i	i)	·		
Primary Rule Secondary Rule			·······						
Oecondary Ruk		Eailed to aut	amit the eddit	ional water	samples required	offeren	ocitivo		
Violation Des	scription				May and July 20		ositive		
,							<u></u>		
						Base	Penalty		\$1,000
> Environmen	ntal. Prop	erty and H	uman Hea	lth Matrix					
			arm	n de la differación de la defensión de la defen	addithethethethethethethethethethethethethet	arthiother turises of			
)R	Release	Major Moc	derate Mino	r]					
	Actual Potential		<u> </u>		Percent	25%			
>Programma	tic Matrix								
	alsification	Major Mod	derate Mino	r]	Percent				
		<u></u>	l]	Fercent				
	Failura t	o cubrait addi	itional water c		ld allow undetecte	4			
Matrix Notes					c and result in hur				
			illnes	s.					
					Adjus	tment	-\$750		
					Base F	Penalty	Subtotal [\$250
Violation Ev	onte								
	CIILO			· ·		int and set	<u> 1998 - 19</u>		
Number	of Violation	Events	2						
		doilu]						
		daily monthly	x						
mar	rk only one	quarterly			Violatio	on Base	Penalty		\$500
use	e a small x se	emiannual			·				
	sir	annual							
_	. Anim								
	Two month	ly events are	recommende	ed for the m	onths of May and	July			
20	004, as doc	umented duri	ing a record r	eview condu	icted on Septemb	er 14,			
			2004	•					
Economic B	enefit (El	B) for this	violation		Statutory Li	imit To	et		Les Mars
							_	2192 ASSERTATION (1967)	
Estin	mated EB A	\mount	\$6		Violation Fin	al Pena	Ity Total		\$685
an a		Th	is violation I	- inal Asses	sed Penalty (adjı	usted fo	r limits)		\$685
in the second second second									

Page 1	0 of 10 03/30	0/07 C:\WIN	NT\Temp\2004	l-1457-p	ws-e-qcp-Dom	ino.wb3			
	Ec	conomic B	enefit Wo	rkshe	et				
Case ID No. Reg. Ent. Reference No.	City of Domino 19717 RN101388866	naddialaint nabaariil allan idaan sassassassassassassassassassassassassas	nd kinne anter nederskalde Stadenski kinde			natur (natur) (1996) (1996) (1996) (1996)	. 1944 - 1964 - 1963 - 1963 - 1964 - 1965 - 1965 - 1965 - 1965 - 1965 - 1965 - 1965 - 1965 - 1965 - 1965 - 196 		
Media [Statute]	Additional ID No(s). Public Water Supply No. 0340041 Media [Statute] Public Water Supply Violation No. 4								
					s in the second L	5.0	15		
	ltem	Date	Final	Yrs	Interest	Onetime	EB		
ltem	Cost	Required	Date		Saved	Costs	Amount		
Description	No commas or \$			ې کې اينۍ کې کې محمد مختفظته		hat al const. K. Ala			
Delayed Casta			2011 24 8 3 X 38 2 1						
Delayed Costs Equipment	I 1	i desta ante esteración I	1	0.0	\$0	\$0	\$0		
Buildings				0.0	\$0	\$0	\$0 \$0		
Other (as needed)		L		0.0	\$0	\$0 \$0	\$0 \$0		
Engineering/construction			l	0.0	\$0	\$0	\$0		
Land				0.0	\$0	n/a	\$0		
Record Keeping System				0.0	\$0	n/a	\$0		
Training/Sampling	\$500	01-May-2004	31-Jul-2004	0.2	\$6	n/a	\$6		
Remediation/Disposal				0.0	\$0	n/a	\$0		
Permit Costs				0.0	\$0	n/a	\$0		
Other (as needed)				0.0	\$0	n/a	\$0		
Notes for DELAYED costs	Estimated cos				g. Date require late of violation		violation date		
Avoided Costs	ΔΝΝΙ	IAI IZE [1] avoide	d costs hefore en	toring itor	m (except for one	time avoided co	vete)		
Disposal				0.0	\$0	\$0	\$0		
Personnel				0.0	\$0	\$0 \$0	\$0 \$0		
Inspection/Reporting/Sampling			· · · · · · · · · · · · · · · · · · ·	0.0	\$0	\$0	\$0 \$0		
Supplies/equipment			L	0.0	\$0	\$0	\$0		
Financial Assurance [2]	<u> </u>			0.0	\$0	\$0	\$0 \$0		
ONE-TIME avoided costs [3]	· /			0.0	\$0	\$0	\$0		
Other (as needed)			•	0.0	\$0	\$0	\$0		
Notes for AVOIDED costs				(haanaa kaana					
Notes for Avoided costs							l. l.		

COMPLIANCE HISTORY

(For Penalty Calculations Only)

Customer/Respondent/Owner-Operator:	City of Domino	Classification: Avg	Rating: 3.01
Regulated Entity/ID Nos.:	CN600663769; RN101388866; PWS 0340041	Site Classification: n/a	Site Rating: n/a
Location [physical address or description of location (street, highway, FM, etc.) including city or nearest city, and county]:	On FM3129, 0.4 miles east of Hwy 59 and north of Queen City in Cass County, Texas	Repeat Violator: (y/n)	n/a
TCEQ Region No.	5	· · · ·	
Date Compliance History Prepared:	February 5, 2005	•	
Agency Decision Requiring Compliance H	istory (mark one):		
the issuance, renewal, amendme	ent, modification, denial, suspension,	or revocation of a permit	
x enforcement			
the use of announced investigat	ions (Field Ops)		
participation in innovative prog	rams		
Compliance Period: 02/05/05 - 02/05/0			
TCEQ staff person to contact for additiona		ce history:	
Name: Audra Ruble		25-3126	Υ
	Site Compliance History Comp	· · · · · · · · · · · · · · · · · · ·	
1.Has the site been in existence and/or ope		<u> </u>	NoUnk
2. Has there been a (known) change in own	ership of the site during the complian	nce period?	X No Unk
3. If Yes, who is the current owner?	·		
4. If Yes, who was/were the prior owner(s)	?		
5. When did the change(s) in ownership oc	cur?	<u>.</u> .	·
Components (multimedia) for the Site:	•		
· · · · ·	lgments, and consent decrees of the st	-	overnment
1. Effective Date: N/A	Type of Actio		
Violation Citation 1: N/A	Classification	:	
Violation Description:			
B. Any criminal convictions of the sta	te of Texas and the federal governme	nt.	
Conviction Date: N/A		· · ·	
Count 1:			
Count 2:		• •	
· · ·			•
C. Chronic excessive emissions events	s: None		
D. The dates of investigations.	· · · · · · · · · · · · · · · · · · ·		
·	· · · · · · · · · · · · · · · · · · ·		

- July 25, 2003
 September 30, 2003
 September 14, 2004
 December 14, 2004

E.	Written notices of viola	tion (NOV)				
1.	Date:	October 10, 2002	Self-reported?	Yes	X No	
	Violation Citation 1:	30 тАС § 290.109(с)	Classification:			Moderate
	Violation Description:	Failure to collect and submi	t routine water samples for bacte	riological analy	sis each mon	th
_						
2.	Date:	November 8, 2002	Self-reported?	Yes	X No	
	Violation Citation 1:	30 TAC § 290.109(c)	Classification:			Moderate
	Violation Description:	Failure to collect and submi	t routine water samples for bacter	riological analys	sis each mon	th.
3.	Date:	January 13, 2003	Self-reported?	Yes	X No	
	Violation Citation 1:	30 тАС § 290.109(с)	Classification:			Moderate
	Violation Description:	Failure to collect and submi	t routine water samples for bacter	riological analy:	sis each mon	th.
4.	Date:	February 6, 2003	Self-reported?	Yes	X No	
т.	Violation Citation 1:	30 TAC § 290.109(c)	Classification:			Moderate
	Violation Description:	,	t routine water samples for bacter	riological analy	sis each mon	
		Tanato to concet and submi	t routille water samples for bacter	ciological analys	\$15 Cacil Inoin	
5.	Date:	September 6, 2003	Self-reported?	Yes	X No	
		30 TAC § 290.109(c)	Classification:		<u> </u>	Moderate
·	Violation Description:		t routine water samples for bacter	riological analy:	sis each mont	
	*		*	0 1		
6.	Date: Violation Citation 1:	10/23/03 30 тАС § 290.122	Self reported? No Classification: Moderate	•		
	Violation Description:	Exceeded MCL for coliform	n bacteria.			
						•
7.	Date:	5/27/04	Self reported? No			
	Violation Citation 1:	30 тАС § 290.122	Classification: Moderate			
•	Violation Description:	Exceeded MCL for coliform	1 bacteria.			
8.	Date Violation Citation 1:	12/16/04 30 TAC § 290.46(f)(G)	Self reported? No Classification: Minor			
F.	Violation Description: Environmental audits.	Failure to keep records of f	nonthly water works operations.			
г. 1.	Notice of Intent Date:	N/A				
1.	Disclosure Date:	N/A				
	Violation Citation 1:	N/A	Classification:			
	Violation Description:	IV/A	Classification.	,		
G.	-	nanagement systems (EMSs).		`		
	N/A					
H.	Voluntary on-site compl	iance assessment dates.		. <u>۱</u>		
	N/A					
I.	Participation in a volunt	ary pollution reduction progra	m.			
	N/A					

J. Early compliance.

N/A Sites Outside of Texas

	State:	N/A					
	Site Name:						
	Location:						
	Type of Action:						
	Effective Date:	•					

COMPLIANCE HISTORY

(For Penalty Calculations Only)

Customer/Respondent/Owner-Operator:	City of Domino	Site Classification:			
Regulated Entity/ID Nos.:	CN600663769 / RN101388866 /PWS 0340041	Site Rating:			
Location [physical address or description of location (street, highway, FM, etc.) including city or nearest city, and county]:	On FM3129, 0.4 miles east of Hwy 59 and north of Queen City in Cass County, Texas	Repeat Violator: No			
TCEQ Region No.	5				
Date Compliance History Prepared:	September 30, 2003				
Agency Decision Requiring Compliance H	istory (mark one):	i e a terra			
the issuance, renewal, amendme	nt, modification, denial, suspension, or revocation	of a permit			
enforcement		1			
X the use of announced investigation	ons (Field Ops)				
participation in innovative prog	rams				
Compliance Period: September 30, 199	8 through September 30, 2003				
TCEQ staff person to contact for additional	information regarding this compliance history:				
Name: Harvey Wilson	Phone: (512) 239 - 0321				
· · · ·	Site Compliance History Components	· •			
1.Has the site been in existence and/or oper	ation for the full five year compliance period?	X Yes No Unk			
2. Has there been a (known) change in own3. If Yes, who is the current owner?	ership of the site during the compliance period?	Yes X No Unk			
4. If Yes, who was/were the prior owner(s)	· · · · · · · · · · · · · · · · · · ·	na an a			
5. When did the change(s) in ownership occ	sur?	11			
Components (multimedia) for the Site:		а. С. С. С. С.			
	gments, and consent decrees of the state of Texas a	nd the federal government			
1. Effective Date: N/A	Type of Action:				
Violation Citation 1: N/A	Classification:	the second s			
Violation Description:					
Conviction Date: N/A	e of Texas and the federal government.				
Count 1: Count 2:					
Count 2.					
C. Chronic excessive emissions events	Noņe	an Charles an			
D. The dates of investigations.					

July 25, 2003
 September 30, 2003

E.	Written notices of violation (NOV)								
1.	Date:	October 10, 2002	Self-reported?		Yes	X No			
	Violation Citation 1:	30 тАС § 290.109(с)	Classification:				Moderate		
	Violation Description:	Failure to collect and subr	nit routine water samples	s for bacter	iological analy	/sis each mont	h		
2.	Date:	November 8, 2002	Self-reported?		Yes	X No			
	Violation Citation 1:	30 TAC § 290.109(c)	Classification:				Moderate		
	Violation Description:	Failure to collect and subr		s for bacter	iological analy	sis each mont	h.		
2	Deter	Innuary 12, 2002	Salf reported?		Yes				
3.	Date:	January 13, 2003	Self-reported?		res	X No	X . 1		
	Violation Citation 1:	30 TAC § 290.109(c)	Classification:				Moderate		
	Violation Description:	Failure to collect and subr	nit routine water samples	s for bacter	iological analy	sis each mont	n.		
4.	Date:	February 6, 2003	Self-reported?		Yes	X No			
	Violation Citation 1:	30 тАС § 290.109(с)	Classification:				Moderate		
	Violation Description:	Failure to collect and subr	nit routine water samples	s for bacter	iological analy	sis each mont	h.		
	•				·				
5.	Date:	September 6, 2003	Self-reported?		Yes	X No			
	Violation Citation 1:	30 TAC § 290.109(c)	Classification:				Moderate		
,	Violation Description:	Failure to collect and subr	nit routine water samples	s for bacter	iological analy	sis each mont	h.		
 F.	Environmental audits.								
	Notice of Intent Date:	N/A							
1. ,	Disclosure Date:	N/A		^.	· · ·				
	 Violation Citation 1: 	N/A N/A	Classification:						
		IV/A	Classification.			2000 - 2000 2000 - 2000			
C	Violation Description:	mono comont avatore (TNGa)							
G.	Type of environmental management systems (EMSs).								
тт	N/A Nalumtanu on site comm	Venes essessment datas							
H.	Voluntary on-site compl N/A	nance assessment dates.				·			
I.		ary pollution reduction prog							
1.	N/A	ary ponution reduction prog.							
J.	Early compliance.								
J.	• I								
	N/A		· · ·						
Sites	Outside of Texas								
	State: N/A	A							
	Site Name:								
	Location:								
	Type of Action:								
	Effective Date:								

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING CITY OF DOMINO; TCEQ PWS ID NO. 0340041; RN101388866

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2004-1457-PWS-E

\$ \$ \$ \$ \$ \$ \$

I. JURISDICTION AND STIPULATIONS

At its _______ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Domino ("Domino") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Domino appear before the Commission and together stipulate that:

- Domino owns and operates a public water system located on Farm-to Market Road 3129, 0.4 miles east of Highway 59 and north of Queen City in Cass County, Texas (the "Facility"). The Facility has approximately 60 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
- 3. The Commission and Domino agree that the Commission has jurisdiction to enter this Agreed Order, and that Domino is subject to the Commission's jurisdiction.
- 4. Domino received notice of the violations alleged in Section II ("Allegations") through a Notice of Enforcement from the Enforcement Division, on or about October 14, 2003 and September 14, 2004.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Domino of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

City of Domino Docket No. 2004-1457-PWS-E Page 2

- 6. An administrative penalty in the amount of seven thousand one hundred forty-six dollars (\$7,146.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Domino has paid two thousand six hundred eighty-three dollars (\$2683.00) of the administrative penalty. The remaining amount of four thousand four hundred sixty three dollars (\$4,463.00) of the administrative penalty shall be payable in an initial installment payment of one hundred fifty eight dollars (\$158.00) and then subsequently, thirty five monthly payments of one hundred twenty three dollars (\$123.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Domino fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Domino to meet the payment schedule of this Agreed Order constitutes the failure of Domino to timely and satisfactorily comply with the terms of this order.
- 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 of the TCEQ and Domino have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 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 Domino 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

Domino is alleged to have violated:

City of Domino Docket No. 2004-1457-PWS-E Page 3

- 1. 30 TEX. ADMIN. CODE § 290.109(c)(2) and (g) and TEX. HEALTH AND SAFETY CODE § 341.033(d) by failing to collect and submit routine monthly water samples from the Facility for bacteriological analysis for August, September, October, November, and December 2002 and February, March, April, May, June, July, and August 2003 and failing to provide public notice related to its failure to collect and submit samples for bacteriological analysis for August, September, and December 2002 and February, March, April, May, June, July, and December 2002 and February, March, April, May, June, July, and December 2002 and February, March, April, May, June, July, and August 2003.
- 2. 30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii) by failing to submit additional water samples in October 2003, and May and July 2004 after routine samples tested positive for bacteria.
- 3. 30 TEX. ADMIN. CODE § 290.113 and TEX. HEALTH AND SAFETY CODE § 341.0315(c) by exceeding the maximum contaminant level (MCL) of 0.080 mg/L for total trihalomethanes.
- 4. 30 TEX. ADMIN. CODE §§ 290.122(b)(1)(A), 290.109(b)(2) and (g)(3) and TEX. HEALTH AND SAFETY CODE § 341.031(a) by exceeding the MCL for bacteriological samples submitted in October 2003, and May and July 2004 and failing to provide public notice for sampling deficiencies in May, June and July 2004.
- 5. 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and (g)(4) and 290.122(c) by failing to take at least five bacteriological samples in November 2003, and June and August 2004 following a positive coliform sample.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Domino pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Domino 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 considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Domino, Docket No. 2004-1457-PWS-E" to: City of Domino Docket No. 2004-1457-PWS-E Page 4

> 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. The provisions of this Agreed Order shall apply to and be binding upon Domino. Domino 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.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Domino 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.
- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Domino, or three days after the date on which the Commission mails notice of the Order to Domino, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

City of Domino DOCKET NO. 2004-1457-PWS-E

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

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, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against
- me; and
- TCEQ seeking other relief as authorized by law.

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

<u>11/Alvin O. Canybell</u> Signature

7700,06

MARVIN O. CAMphell

Name (Printed or typed) Authorized representative of the City of Domino

Penere

For the Executive Director

MAYOR-City of DOMINU, TX.

1/16/07