

# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NUMBER: 2004-1457-PWS-E TCEQ ID NOS: 0340041 AND RN101388866 ENF ID: 19717

RESPONDENT NAME: CITY OF DOMINO

## ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

## CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> 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:**  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
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date(s) of Investigation(s) Relating to this Case:</b> July 25, 2003; September 14, 2004</p> <p><b>Date(s) of NOV(s)/NOE(s) Relating to this Case:</b> October 14, 2003; September 14, 2004 (NOE)</p> <p><b>Background Facts:</b></p> <p>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.</p> <p>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 agreed to pay the combined penalty over a period of three years. 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 installment payment plan.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>PWS:</b></p> <p>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)].</p>	<p><b>Total Assessed:</b> \$7,146</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>Total Paid/Due to General Revenue:</b> \$2,683/ \$4,463</p> <p>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.</p> <p><b>Site Compliance History Classification:</b> N/A</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Action(s) Taken</b></p> <p>No corrective action is recommended because the violations are one time events with no opportunity for compliance.</p>

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>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)].</p> <p>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)].</p> <p>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)].</p> <p>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)].</p> <p style="text-align: center;">↑ §</p>		



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02)

PCW Revision 6/12/2003

<b>DATES</b>	
PCW	2-Oct-2003
Screening	1-Oct-2003
Priority Due	29-Jan-2004
EPA Due	30-Sep-2004
<b>RESPONDENT INFORMATION</b>	
Respondent	City of Domino
Respondent/Site ID No(s)	CN600663769 / RN101388866 / Public Water Supply No. 0340041
Facility/Site Region	5 - Tyler
Major/Minor Source	Minor
<b>CASE INFORMATION</b>	
Enf./Case ID No(s)	CCEDS No. 9876
Docket No.	2004-1457-PWS-E
Case Priority	3
Enf. Coordinator	Audra Ruble
Media Program(s)	Public Water Supply
Admin. Penalty \$ Limit	Minimum \$50 Maximum \$1,000
No. Violations	2
Order Type	1660 without deferral
EC's Team	Enforcement Team 6

## Penalty Calculation Section

**TOTAL BASE PENALTY** (Sum of violation base penalties) **Subtotal 1** \$3,250

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

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

**Compliance History** 25% Enhancement **Subtotals 2, 3 & 7** \$813

Notes: Respondent received four NOV letters dated October 10, November 8, 2002, January 13, February 6 and September 10, 2003 letter for the same or similar violations.

**Culpability** 0% Enhancement **Subtotal 4** \$0

Notes: No. Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary			
None of the above	X	(mark with small x)	

Notes: The Respondent does not meet the good faith effort criteria.

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

\$567	Total EB Amounts	*Capped at the Total EB \$ Amount	
\$500	Approx. Cost of Compliance		=

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$4,063

**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 \$4,063

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$4,063

**DEFERRAL** Deferral Reduction **Adjustment** \$0

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

Notes: No deferral recommended because Respondent has previously received NOV's for the same or similar violations.

**PAYABLE PENALTY** \$4,063

<b>Screening Date</b>	1-Oct-2003	<b>Docket Number</b>	2004-1457-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Domino	Policy Revision 2 (09/02)		
<b>Case ID No.</b>	CCEDS No. 9876	PCW Revision 6/12/2003		
<b>Respondent/Site ID No.</b>	CN600663769 / RN101388866 / Public Water Supply No. 0340041			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Audra Ruble			
<b>Site Address</b>	Farm-to-Market 3129, North of Queen City and 0.4 miles East of Hwy 59.			

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	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%
<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) 25%**

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

N/A  Select Yes/No **Adjustment Percentage (Subtotal 3) 0%**

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

Average Performer  Select High, Average or Poor **Adjustment Percentage (Subtotal 7) 0%**

**Compliance History Summary**

**Compliance History Notes**

Respondent received four NOV letters dated October 10, November 8, 2002, January 13, February 6 and September 10, 2003 letter for the same or similar violations.

**Total Adjustment Percentage (Subtotals 2, 3 & 7) 25%**

<b>Screening Date:</b> 01-Oct-03	<b>Docket Number:</b> 2004-1457-PWS-E	<b>PCW</b>																					
<b>Respondent:</b> City of Domino		Policy Revision 2 (09/02)																					
<b>Case ID No.:</b> CCEDS No. 9876		PCW Revision 6/12/2003																					
<b>Respondent/Site ID No.:</b> CN600663769 / RN101388866 / Public Water Supply No. 0340041																							
<b>Media [Statute]:</b> Public Water Supply																							
<b>Enf. Coordinator:</b> Audra Ruble																							
<b>Violation Number:</b> 1																							
<b>Primary Rule Cite:</b>	30 Tex. Admin Code § 290.109(c)(2) and Tex. Health and Safety Code § 341.033(d)																						
<b>Secondary Cite(s):</b>	30 Tex. Admin. Code § 290.109(g)																						
<b>Violation Description:</b>	Respondent failed to collect and submit routine water samples in August, September, October, November, and December of 2002, and in February, March, April, May, June, July, and August of 2003 as documented by the record review completed on July 25, 2003. Respondent also failed to provide public notice of sampling deficiencies.																						
	<b>Base Penalty</b>	\$1,000																					
» <b>Environmental, Property and Human Health Matrix</b>																							
	<b>Harm</b>																						
	<b>Release</b>	<b>Major      Moderate      Minor</b>																					
OR	Actual	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td style="text-align: center;">x</td><td></td><td></td></tr></table>				x																	
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x																							
		<b>Percent</b> <input type="text" value="25%"/>																					
» <b>Programmatic Matrix</b>																							
	<b>Falsification</b>	<b>Major      Moderate      Minor</b>																					
OR	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>				<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>																		
		<b>Percent</b> <input type="text"/>																					
<b>Matrix Notes</b>	Failure to take routine water samples for bacteriological analysis may result in undetected contaminated water being distributed to the public resulting in illness.																						
	<b>Adjustment</b>	<input type="text" value="-750"/>																					
	<b>Base Penalty Subtotal</b>	\$250																					
» <b>Violation Events</b>																							
	<b>Number of Violation Events</b>	<input type="text" value="12"/>																					
<i>mark only one; use small x</i>	<b>daily</b>	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td style="text-align: center;">x</td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>				x																	
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	<b>monthly</b>	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td style="text-align: center;">x</td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>				x																	
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	<b>quarterly</b>	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>																					
	<b>semiannual</b>	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>																					
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	<b>single event</b>	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>																					
		<b>Violation Base Penalty</b> <input type="text" value="\$3,000"/>																					
<b>Events Notes</b>	Twelve monthly events are recommended based on Respondent failure to submit samples in August, September, October, November and December of 2002, and in February, March, April, May, June, July, and August of 2003 as documented by the record review conducted on October 1, 2003.																						
» <b>Economic Benefit (EB) for this violation      Statutory Limit Test</b>																							
	<b>Estimated EB Amount (\$)</b>	<input type="text" value="\$567"/>																					
	<b>Violation Final Penalty total</b>	<input type="text" value="\$3,750"/>																					
	<b>This Violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$3,750"/>																					

**Economic Benefit Worksheet**

**Respondent** City of Domino  
**ID Number(s)** CCEDS No. 9876  
**Media [Statute]** Public Water Supply  
**Violation Number** 1

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
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**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				0.0	\$0	n/a	\$0
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

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$500	1-Aug-2002	30-Aug-2003	1.1	\$27	\$540	\$567
Supplies/equip				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

Approximate annual cost of collecting and submitting routine bacteriological samples and providing public notification of sampling violations.

Approx Cost of Compliance

**TOTAL**

<b>Screening Date</b>	01-Oct-03	<b>Docket Number</b>	2004-1457-PWS-E	<b>PCW</b>	
<b>Respondent</b>	City of Domino	Policy Revision 2 (09/02)			
<b>Case ID No.</b>	CCEDS No. 9876	PCW Revision 6/12/2003			
<b>Respondent/Site ID No.</b>	CN600663769 / RN101388866 / Public Water Supply No. 0340041				
<b>Media [Statute]</b>	Public Water Supply				
<b>Enf. Coordinator</b>	Audra Ruble				
<b>Violation Number</b>	2				
<b>Primary Rule Cite</b>	30 Tex. Admin. Code § 290.109(c)(3)				
<b>Secondary Cite(s)</b>					
<b>Violation Description</b>	Failed to submit the additional water samples required when excessive amounts of coliform bacteria were found in the October 2003 sample as was documented in a letter dated March 2, 2004.				
<b>Base Penalty</b>				\$1,000	
» <b>Environmental, Property and Human Health Matrix</b>					
<b>Harm</b>					
	<b>Release</b>	Major	Moderate	Minor	
<b>OR</b>	Actual				
	Potential	x			<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">25%</span>
» <b>Programmatic Matrix</b>					
	<b>Falsification</b>	Major	Moderate	Minor	
<b>OR</b>					<b>Percent</b> <span style="border: 1px solid black; padding: 2px;"></span>
<b>Matrix Notes</b>	Failure to submit additional water samples could allow undetected contaminated water to be distributed to the Public and result in human illness.				
<b>Adjustment</b>				-\$750	
<b>Base Penalty Subtotal</b>				\$250	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<span style="border: 1px solid black; padding: 2px;">1</span>			
<i>mark only one; use small x</i>	daily				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
<b>Violation Base Penalty</b>				\$250	
<b>Events Notes</b>	One monthly event is recommended based on the documentation of the violation in the letter dated October 23, 2003 and the letter dated March 2, 2004.				
<b>Economic Benefit (EB) for this violation</b>					
<b>Statutory Limit Test</b>					
<b>Estimated EB Amount (\$)</b>		<span style="border: 1px solid black; padding: 2px;">\$0</span>			
<b>Violation Final Penalty total</b>				\$313	
<b>This Violation Final Assessed Penalty (adjusted for limits)</b>				\$313	



### Economic Benefit Worksheet

**Respondent** City of Domino  
**ID Number(s)** CCEDS No. 9876  
**Media [Statute]** Public Water Supply  
**Violation Number** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**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				0.0	\$0	n/a	\$0
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

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

**TOTAL**

**Economic Benefit Worksheet**

**Respondent** City of Domino  
**ID Number(s)** CCEDS No. 9876  
**Media [Statute]** Public Water Supply  
**Violation Number** 0

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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**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				0.0	\$0	n/a	\$0
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

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

**TOTAL**

<b>Screening Date:</b>	01-Oct-03	<b>Docket Number:</b>	2004-1457-PWS-E	<b>PCW</b>
<b>Respondent:</b>	City of Domino	Policy Revision 2 (09/02)		
<b>Case ID No.:</b>	CCEDS No. 9876	PCW Revision 6/12/2003		
<b>Respondent/Site ID No.:</b>	CN600663769 / RN101388866 / Public Water Supply No. 0340041			
<b>Media [Statute]:</b>	Public Water Supply			
<b>Enf. Coordinator:</b>	Audra Ruble			
<b>Violation Number</b>	<input type="text"/>			
<b>Primary Rule Cite</b>	<input type="text"/>			
<b>Secondary Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<input type="text"/>			
<b>Base Penalty</b>				\$1,000

» Environmental, Property and Human Health Matrix					
<b>Harm</b>					
	<b>Release</b>	Major	Moderate	Minor	
<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
» Programmatic Matrix					
	<b>Falsification</b>	Major	Moderate	Minor	
<b>OR</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>
<b>Matrix Notes</b>	<input type="text"/>				
<b>Adjustment</b>				<input type="text" value="-1,000"/>	
<b>Base Penalty Subtotal</b>					\$0

Violation Events				
<b>Number of Violation Events</b>		<input type="text"/>		
<i>mark only one; use small x</i>	<b>daily</b>	<input type="text"/>		
	<b>monthly</b>	<input type="text"/>		
	<b>quarterly</b>	<input type="text"/>		
	<b>semiannual</b>	<input type="text"/>		
	<b>annual</b>	<input type="text"/>		
	<b>single event</b>	<input type="text"/>		
<b>Violation Base Penalty</b>				\$0
<b>Events Notes</b>	<input type="text"/>			

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount (\$)</b> <input type="text" value="\$0"/>	<b>Violation Final Penalty total</b> <input type="text" value="\$0"/>
<b>This Violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$0"/>	

### Economic Benefit Worksheet

**Respondent:** City of Domino  
**ID Number(s):** CCEDS No. 9876  
**Media [Statute]:** Public Water Supply  
**Violation Number:** 0

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**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				0.0	\$0	n/a	\$0
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

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

**TOTAL**

<b>Screening Date</b>	01-Oct-03	<b>Docket Number</b>	2004-1457-PWS-E	<b>PCW</b>	
<b>Respondent</b>	City of Domino	Policy Revision 2 (09/02)			
<b>Case ID No.</b>	CCEDS No. 9876	PCW Revision 6/12/2003			
<b>Respondent/Site ID No.</b>	CN600663769 / RN101388866 / Public Water Supply No. 0340041				
<b>Media [Statute]</b>	Public Water Supply				
<b>Enf. Coordinator</b>	Audra Ruble				
<b>Violation Number</b>	<input type="text"/>				
<b>Primary Rule Cite</b>	<input type="text"/>				
<b>Secondary Cite(s)</b>	<input type="text"/>				
<b>Violation Description</b>	<input type="text"/>				
<b>Base Penalty</b>				\$1,000	
<b>» Environmental, Property and Human Health Matrix</b>					
<b>Harm</b>					
	<b>Release</b>	Major	Moderate	Minor	
<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>» Programmatic Matrix</b>					
	<b>Falsification</b>	Major	Moderate	Minor	
<b>OR</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>
<b>Matrix Notes</b>	<input type="text"/>				
<b>Adjustment</b>				-\$1,000	
<b>Base Penalty Subtotal</b>				\$0	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text"/>			
<i>mark only one; use small x</i>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<b>Violation Base Penalty</b>				\$0	
<b>Events Notes</b>	<input type="text"/>				
<b>Economic Benefit (EB) for this violation</b>					
<b>Statutory Limit Test</b>					
<b>Estimated EB Amount (\$)</b>		<input type="text" value="\$0"/>			
<b>Violation Final Penalty total</b>				\$0	
<b>This Violation Final Assessed Penalty (adjusted for limits)</b>				\$0	

### Economic Benefit Worksheet

**Respondent** City of Domino  
**ID Number(s)** CCEDS No. 9876  
**Media [Statute]** Public Water Supply  
**Violation Number** 0

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**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				0.0	\$0	n/a	\$0
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

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

**TOTAL**



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

**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   
 Case Priority 2  Enf. Coordinator Audra L. Ruble   
 Media Program(s) Public Water Supply  EC's Team Enforcement Team 8   
 Multi-Media  
 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

## 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

Notes Respondent received seven NOV letters dated October 10 and November 8, 2002, January 13, February 6, September 10 and October 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	X	(mark with a small x)

Notes The Respondent does not meet the good faith effort criteria.

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

Total EB Amounts	\$294	*Capped at the Total EB \$ Amount
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

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

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

**PAYABLE PENALTY** \$3,083

Screening Date 14-Sep-2004

Docket No. 2004-1457-PWS-E

PCW

Respondent City of Domino

Policy Revision 2 (September 2002)

Case ID No. 19717

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101388866

Additional ID No(s). Public Water Supply No. 0340041

Media [Statute] Public Water Supply

Enf. Coordinator Audra L. Ruble

Site Address Farm-to-Market Road 3129, 0.4 miles east of Highway 59, north of Queen City, Cass County

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	7	35%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	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 (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 37%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Respondent received seven NOV letters dated October 10 and November 8, 2002, January 13, February 6, September 10 and October 23, 2003 and May 27, 2004 for the same or similar violations and one non-similar NOV dated December 16, 2004.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 37%



<b>Screening Date</b>	14-Sep-2004	<b>Docket No.</b>	2004-1457-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Domino	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	19717	<i>PCW Revision May 17, 2004</i>		
<b>Reg. Ent. Reference No.</b>	RN101388866			
<b>Additional ID No(s)</b>	Public Water Supply No. 0340041			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	<input type="text" value="1"/>			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Exceeded the maximum contaminant level (MCL) of 0.080 mg/L for total trihalomethanes (TTHM). A sample collected in July 2004 showed a TTHM level of 0.519 mg/L, giving a running annual average above the MCL.			
<b>Base Penalty</b>	<input type="text" value="\$1,000"/>			

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

**Matrix Notes**  
 Failure to meet drinking water standards has resulted in the exposure of human health to a significant amount of pollutants which do not exceed protective levels.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input checked="" type="checkbox"/>
	single event	<input type="text"/>

**Violation Base Penalty**

One annual event is recommended for the annual period based on the date of record review (September 14, 2004).

**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:** City of Domino  
**Case ID No.:** 19717  
**Reg. Ent. Reference No.:** RN101388866  
**Additional ID No(s):** Public Water Supply No. 0340041  
**Media [Statute]:** Public Water Supply  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**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				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				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

Estimated cost to conduct feasibility study and provide water meeting the standard. Date required is the date of sampling and final date is when compliance is expected to be achieved.

**Avoided Costs**

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

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 \$2,500

**TOTAL** \$246

<b>Screening Date</b>	14-Sep-2004	<b>Docket No.</b>	2004-1457-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Domino	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	19717	<i>PCW Revision May 17, 2004</i>		
<b>Reg. Ent. Reference No.</b>	RN101388866			
<b>Additional ID No(s)</b>	Public Water Supply No. 0340041			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	<input type="text" value="2"/>			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.109(b)(2) and (g)(3) and Tex. Health & Safety Code § 341.031(a)			
<b>Secondary Rule Cite(s)</b>	30 Tex. Admin. Code § 290.122(b)(1)(A)			
<b>Violation Description</b>	Exceeded the MCL for bacteriological samples submitted in October 2003, and May and July 2004. Failure to provide public notice for sampling deficiencies in May and July 2004.			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>

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

OR	<b>Harm</b>			Percent <input type="text" value="25%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	X		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> **Programmatic Matrix**

<b>Falsification</b>	Major	Moderate	Minor	Percent <input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes: Exceeding the MCL for coliform bacteria has resulted in human health being exposed to a significant amount of pollutants which do not exceed protective levels.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	X
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

Three monthly events are recommended based on the three months of positive samples, October 2003, May and July 2004, as documented during a record review conducted on September 14, 2004.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$21"/>	Violation Final Penalty Total <input type="text" value="\$1,028"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,028"/>	

### Economic Benefit Worksheet

**Respondent:** City of Domino  
**Case ID No.:** 19717  
**Reg. Ent. Reference No.:** RN101388866  
**Additional ID No(s):** Public Water Supply No. 0340041  
**Media [Statute]:** Public Water Supply  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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-Oct-2003	31-Jul-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 cost to conduct additional water sampling. Date required is the first violation date and final date is the last date of violation.

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

**TOTAL** \$21

<b>Screening Date</b>	14-Sep-2004	<b>Docket No.</b>	2004-1457-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Domino	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	19717	<i>PCW Revision May 17, 2004</i>		
<b>Reg. Ent. Reference No.</b>	RN101388866			
<b>Additional ID No(s)</b>	Public Water Supply No. 0340041			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	<input type="text" value="3"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code §§ 290.109(c)(2)(F) and (g)(4)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.122(c)"/>			
<b>Violation Description</b>	<input type="text" value="Failure to take at least five routine bacteriological samples in November 2003, and June and August 2004 following a coliform positive sample. Failure to provide public notice for the sampling deficiency in June 2004."/>			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>

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

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>
<b>Matrix Notes</b>	<input type="text" value="Failure to submit additional water samples could allow undetected contaminated water to be distributed to the Public and result in human illness."/>					

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event		<input type="text"/>

**Violation Base Penalty**

**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:** City of Domino  
**Case ID No.:** 19717  
**Reg. Ent. Reference No.:** RN101388866  
**Additional ID No(s):** Public Water Supply No. 0340041  
**Media [Statute]:** Public Water Supply  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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 cost to conduct additional water sampling. Date required is the first violation date and final date is the last date of violation.

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

**TOTAL** \$21

<b>Screening Date</b>	14-Sep-2004	<b>Docket No.</b>	2004-1457-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Domino	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	19717	<i>PCW Revision May 17, 2004</i>		
<b>Reg. Ent. Reference No.</b>	RN101388866			
<b>Additional ID No(s)</b>	Public Water Supply No. 0340041			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	<input type="text" value="4"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.109(c)(3)(A)(ii)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<input type="text" value="Failed to submit the additional water samples required after a positive coliform bacteria sample in May and July 2004."/>			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>

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

OR	<b>Harm</b>			Percent <input type="text" value="25%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Failure to submit additional water samples could allow undetected contaminated water to be distributed to the Public and result in human illness."/>				

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input checked="" type="checkbox"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input type="text"/>

**Violation Base Penalty**

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

<b>Estimated EB Amount</b>	<input type="text" value="\$6"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$685"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$685"/>	

### Economic Benefit Worksheet

**Respondent** City of Domino  
**Case ID No.** 19717  
**Reg. Ent. Reference No.** RN101388866  
**Additional ID No(s).** Public Water Supply No. 0340041  
**Media [Statute]** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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-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 cost to conduct additional water sampling. Date required is the first violation date and final date is the last date of violation.

**Avoided Costs**

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

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

TOTAL \$6



# 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 History (mark one):

- the issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit  
 enforcement  
 the use of announced investigations (Field Ops)  
 participation in innovative programs

Compliance Period: 02/05/05 - 02/05/00

TCEQ staff person to contact for additional information regarding this compliance history:

Name: Audra Ruble Phone: 361/825-3126

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?  Yes  No  Unk  
2. Has there been a (known) change in ownership of the site during the compliance period?  Yes  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 occur? \_\_\_\_\_

Components (multimedia) for the Site:

- A. Final enforcement orders, court judgments, and consent decrees of the state of Texas and the federal government  
1. Effective Date: N/A Type of Action:  
Violation Citation 1: N/A Classification:  
Violation Description:  
B. Any criminal convictions of the state of Texas and the federal government.  
Conviction Date: N/A  
Count 1:  
Count 2:  
C. Chronic excessive emissions events: None  
D. The dates of investigations.

1. July 25, 2003
2. September 30, 2003
3. September 14, 2004
4. December 14, 2004

E. Written notices of violation (NOV)

- |    |                        |  |                 |                              |  |          |
|----|------------------------|--|-----------------|------------------------------|--|----------|
| 1. | Date:                  | October 10, 2002   | Self-reported?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC § 290.109(c)  | Classification: |                              |  | Moderate |
|    | Violation Description: | Failure to collect and submit routine water samples for bacteriological analysis each month  |                 |                              |  |          |
|    |                        |  |                 |                              |  |          |
| 2. | Date:                  | November 8, 2002   | Self-reported?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC § 290.109(c)  | Classification: |                              |  | Moderate |
|    | Violation Description: | Failure to collect and submit routine water samples for bacteriological analysis each month. |                 |                              |  |          |
|    |                        |  |                 |                              |  |          |
| 3. | Date:                  | January 13, 2003   | Self-reported?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC § 290.109(c)  | Classification: |                              |  | Moderate |
|    | Violation Description: | Failure to collect and submit routine water samples for bacteriological analysis each month. |                 |                              |  |          |
|    |                        |  |                 |                              |  |          |
| 4. | Date:                  | February 6, 2003   | Self-reported?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC § 290.109(c)  | Classification: |                              |  | Moderate |
|    | Violation Description: | Failure to collect and submit routine water samples for bacteriological analysis each month. |                 |                              |  |          |
|    |                        |  |                 |                              |  |          |
| 5. | Date:                  | September 6, 2003  | Self-reported?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |          |
|    |                        | 30 TAC § 290.109(c)  | Classification: |                              |  | Moderate |
|    | Violation Description: | Failure to collect and submit routine water samples for bacteriological analysis each month. |                 |                              |  |          |
|    |                        |  |                 |                              |  |          |
| 6. | Date:                  | 10/23/03   | Self reported?  | No                           |  |          |
|    | Violation Citation 1:  | 30 TAC § 290.122   | Classification: | Moderate                     |  |          |
|    | Violation Description: | Exceeded MCL for coliform bacteria.  |                 |                              |  |          |
|    |                        |  |                 |                              |  |          |
| 7. | Date:                  | 5/27/04  | Self reported?  | No                           |  |          |
|    | Violation Citation 1:  | 30 TAC § 290.122   | Classification: | Moderate                     |  |          |
|    | Violation Description: | Exceeded MCL for coliform bacteria.  |                 |                              |  |          |
|    |                        |  |                 |                              |  |          |
| 8. | Date                   | 12/16/04   | Self reported?  | No                           |  |          |
|    | Violation Citation 1:  | 30 TAC § 290.46(f)(G)  | Classification: | Minor                        |  |          |
|    | Violation Description: | Failure to keep records of monthly water works operations.                                   |                 |                              |  |          |

F. Environmental audits.

- |    |                        |     |                 |
|----|------------------------|-----|-----------------|
| 1. | Notice of Intent Date: | N/A |                 |
|    | Disclosure Date:       | N/A |                 |
|    | Violation Citation 1:  | N/A | Classification: |
|    | Violation Description: |     |                 |

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

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 History (mark one):

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | the issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit |
| <input type="checkbox"/>            | enforcement   |
| <input checked="" type="checkbox"/> | the use of announced investigations (Field Ops)   |
| <input type="checkbox"/>            | participation in innovative programs  |

Compliance Period: September 30, 1998 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 operation for the full five year compliance period?  Yes  No  Unk
2. Has there been a (known) change in ownership of the site during the compliance period?  Yes  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 occur? \_\_\_\_\_

Components (multimedia) for the Site:

A. Final enforcement orders, court judgments, and consent decrees of the state of Texas and the federal government

1. Effective Date: N/A Type of Action: \_\_\_\_\_  
Violation Citation 1: N/A Classification: \_\_\_\_\_  
Violation Description: \_\_\_\_\_

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

Conviction Date: N/A  
Count 1: \_\_\_\_\_  
Count 2: \_\_\_\_\_

C. Chronic excessive emissions events: None

D. The dates of investigations.

1. July 25, 2003
2. September 30, 2003

E. Written notices of violation (NOV)

- |    |                        |  |                 |                              |  |          |
|----|------------------------|--|-----------------|------------------------------|--|----------|
| 1. | Date:                  | October 10, 2002   | Self-reported?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC § 290.109(c)  | Classification: |                              |  | Moderate |
|    | Violation Description: | Failure to collect and submit routine water samples for bacteriological analysis each month  |                 |                              |  |          |
| 2. | Date:                  | November 8, 2002   | Self-reported?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC § 290.109(c)  | Classification: |                              |  | Moderate |
|    | Violation Description: | Failure to collect and submit routine water samples for bacteriological analysis each month. |                 |                              |  |          |
| 3. | Date:                  | January 13, 2003   | Self-reported?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC § 290.109(c)  | Classification: |                              |  | Moderate |
|    | Violation Description: | Failure to collect and submit routine water samples for bacteriological analysis each month. |                 |                              |  |          |
| 4. | Date:                  | February 6, 2003   | Self-reported?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC § 290.109(c)  | Classification: |                              |  | Moderate |
|    | Violation Description: | Failure to collect and submit routine water samples for bacteriological analysis each month. |                 |                              |  |          |
| 5. | Date:                  | September 6, 2003  | Self-reported?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC § 290.109(c)  | Classification: |                              |  | Moderate |
|    | Violation Description: | Failure to collect and submit routine water samples for bacteriological analysis each month. |                 |                              |  |          |

F. Environmental audits.

- |    |                        |     |                 |  |  |
|----|------------------------|-----|-----------------|--|--|
| 1. | Notice of Intent Date: | N/A |                 |  |  |
|    | Disclosure Date:       | N/A |                 |  |  |
|    | Violation Citation 1:  | N/A | Classification: |  |  |
|    | Violation Description: |     |                 |  |  |

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

State: N/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:

1. 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.

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:

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, October, November, 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:



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.

**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.

Marvin O. Campbell  
Signature

7/20/06  
Date

MARVIN O. CAMPBELL  
Name (Printed or typed)  
Authorized representative of the  
City of Domino

MAYOR - CITY OF DOMINO, TX.  
Title

John B. Penland  
For the Executive Director

1/16/07