EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0022-PWS-E **TCEQ ID:** RN101392728 **CASE NO.:** 32128

RESPONDENT NAME: City of Kaufman

ORDER TYPE:

_X_1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY 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	__WATERQUALITY		

SITE WHERE VIOLATION(S) OCCURRED: City of Kaufman, 209 South Washington Street, Kaufman, Kaufman County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: ___Yes _X_No

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

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 April 23, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Christopher Miller, Enforcement Division, Enforcement Section I, MC169, (512) 239-6580; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, (512) 239-1896

Respondent: The Honorable Paula Bacon, Mayor, City of Kaufman, 209 South Washington Street, Kaufman, Texas 75142
Mr. Curtis Snow, City Manager, City of Kaufman, 209 South Washington Street, Kaufman, Texas 75142

Respondent's Attorney: Not represented by counsel on this enforcement matter

RESPONDENT'S NAME: City of Kaufman
DOCKET NO.: 2007-0022-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___Complaint _X_Routine ___Enforcement Follow-up ___Records Review **Date of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** November 21, 2006 **Date of NOE Relating to this Case:** December 22, 2006 (NOE) **Background Facts:** This was a routine scheduled investigation for compliance with the drinking water quality program. Seven significant program violations were observed. **WATER** 1) Failure to conduct and record daily chlorine residual tests on water collected at sites designated in the public water system's monitoring plan [30 TEX. ADMIN. CODE § 290.110(c)(5)(B)]. 2) Failure to maintain an intruder resistant fence around the elevated storage tank [30 TEX. ADMIN. CODE § 290.43(e)]. 3) Failure to demonstrate that the calcium hypochlorite used in the disinfection process is American National Standards Institue/National Sanitation Foundation ("ANSI/NSF") approved for use in public water systems [30 TEX. ADMIN. CODE § 290.42(j)]. 4) Failure to inspect the one ground storage tank and two elevated storage tanks and record the results annually [30 TEX. ADMIN. CODE § 290.46(m)(1)]. 5) Failure to ensure all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances are maintained in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].	**Total assessed:** $6,380 **Total Deferred:** $1,276 _X_Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $5,104 **Site Compliance History Classification:** __High __Average __Poor **Person Compliance History Classification:** __High _X_Average __Poor **Major Source:** _X_Yes __No **Applicable Penalty Policy:** September 2002	**Corrective Action Taken** 1) The Executive Director recognizes that on or about December 7, 2006 the City installed proper water level indicators on the elevated storage tanks. **Ordering Provisions** 2) The Order will require the Respondent to: a) Immediately upon the effective date of this Agreed Order, begin monitoring the disinfectant residual at representative locations within the distribution system at least once per day; b) Within 30 days after the effective date of this Agreed Order: i. Repair the intruder resistant fence at the number 3 Oak Creek site; ii. Provide certification that the calcium hypochlorite being used for disinfection at the Facility meets the ANSI/NSF standards for use in public water supplies; iii. Conduct an inspection of the ground storage tank and two elevated storage tanks; iv. Ensure that all backflow prevention assemblies within the distribution system are tested; and v. Repair the leaking service pumps so that the Facility is being maintained in a watertight condition. c) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. through 2.b.

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
6) Failure to test backflow prevention assemblies within the distribution system annually [30 TEX. ADMIN. CODE § 290.44(h)(4)]. 7) Failure to provide an adequate water level indicator on the elevated storage tanks [30 TEX. ADMIN. CODE § 290.43(c)(4)].		

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

TCEQ

DATES					
Assigned	3-Jan-2007				
PCW	4-Jan-2007	Screening	4-Jan-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Kaufman		
Reg. Ent. Ref. No.	RN101392728		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	32128	No. of Violations	7
Docket No.	2007-0022-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Christopher Miller
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* — $5,800

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 10% Enhancement — *Subtotals 2, 3, & 7* — $580

Notes: The enhancement is due to two prior Notices of Violation ("NOV") containing violations the same as or similar to the violations in the current enforcement case.

Culpability — No — 0% Enhancement — *Subtotal 4* — $0

Notes: 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 x)

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

0% Enhancement* — *Subtotal 6* — $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$2,187
Approx. Cost of Compliance	$3,450

SUM OF SUBTOTALS 1-7 — *Final Subtotal* — $6,380

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 — $6,380

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* — $6,380

DEFERRAL — 20% Reduction — *Adjustment* — -$1,276

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY — $5,104

Screening Date	4-Jan-2007	**Docket No.** 2007-0022-PWS-E	**PCW**
Respondent	City of Kaufman		*Policy Revision 2 (September 2002)*
Case ID No.	32128		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101392728		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Christopher Miller		

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*)	2	10%
	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%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The enhancement is due to two prior Notices of Violation ("NOV") containing violations the same as or similar to the violations in the current enforcement case.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date	4-Jan-2007	**Docket No.** 2007-0022-PWS-E	**PCW**
Respondent	City of Kaufman		*Policy Revision 2 (September 2002)*
Case ID No.	32128		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101392728		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Christopher Miller		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)(B)

Violation Description Failed to conduct and record daily chlorine residual tests on water collected at sites designated in the public water system's monitoring plan. Specifically, the Respondent was not taking chlorine residuals and recording the data.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to test the chlorine residual could expose water being supplied for human consumption to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment $500

$500

Violation Events

Number of Violation Events 1

44 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $86

Statutory Limit Test

Violation Final Penalty Total $550

This violation Final Assessed Penalty (adjusted for limits) $550

Economic Benefit Worksheet

Respondent City of Kaufman
Case ID No. 32128
Reg. Ent. Reference No. RN101392728
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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				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	There are no delayed cost associated with this 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	$100	21-Nov-2006	15-Sep-2007	0.8	$4	$82	$86
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	Estimated cost to sample the chlorine residual throughout the distribution system. Date required is the date of the investigation. Final date is the estimated date of compliance.						

Approx. Cost of Compliance $100

TOTAL $86

Screening Date	4-Jan-2007	**Docket No.** 2007-0022-PWS-E	**PCW**
Respondent	City of Kaufman		*Policy Revision 2 (September 2002)*
Case ID No.	32128		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101392728		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Christopher Miller		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.43(e)

Violation Description Failed to maintain an intruder resistant fence around the elevated storage tank. Specifically, barbed wire strands were loose at the number 3 Oak Creek site.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to properly secure the site could expose water supplied for human consumption to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 | 44 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $12

Statutory Limit Test

Violation Final Penalty Total $110

This violation Final Assessed Penalty (adjusted for limits) $110

Economic Benefit Worksheet

Respondent City of Kaufman
Case ID No. 32128
Reg. Ent. Reference No. RN101392728
Media Public Water Supply
Violation No. 2

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	$200	21-Nov-2006	5-Oct-2007	0.9	$1	$12	$12
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	Estimated cost to repair the intruder resistant fence. Date required is the date of the investigation. Final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$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	There are no avoided costs associated with this violation.						

Approx. Cost of Compliance $200

TOTAL $12

Screening Date	4-Jan-2007	**Docket No.** 2007-0022-PWS-E	**PCW**
Respondent	City of Kaufman		*Policy Revision 2 (September 2002)*
Case ID No.	32128		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101392728		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Christopher Miller		

Violation Number 3

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

Violation Description Failed to demonstrate that the calcium hypochlorite used in the disinfection process is American National Standards Institue/National Sanitation Foundation ("ANSI/NSF") approved for use in public water systems.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to utilize approved chemicals could expose water being supplied for human consumption to a significant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 1

44 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $250

One quarterly event is recommended based on the November 21, 2006 investigation date to the January 4, 2007 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $46

Statutory Limit Test

Violation Final Penalty Total $275

This violation Final Assessed Penalty (adjusted for limits) $275

Economic Benefit Worksheet

Respondent City of Kaufman
Case ID No. 32128
Reg. Ent. Reference No. RN101392728
Media Public Water Supply
Violation No. 3

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				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	There are no delayed costs associated with this 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	$50	21-Nov-2006	5-Oct-2007	0.9	$2	$44	$46
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	Estimate cost to secure the paperwork showing the calcium hypochlorite is ANSI/NSF certified. Date required is the date of the investigation. Final date is the estimated date of compliance.						

Approx. Cost of Compliance: $50

TOTAL: $46

Screening Date	4-Jan-2007	**Docket No.** 2007-0022-PWS-E	**PCW**
Respondent	City of Kaufman		*Policy Revision 2 (September 2002)*
Case ID No.	32128		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101392728		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Christopher Miller		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)

Violation Description Failed to inspect the ground storage tank and two elevated storage tanks and record the results annually. Specifically, the tanks were last inspected in August 2005.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Complete failure to perform an inspection of the storage tanks could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination which would not exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 3 | 112 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $750

Three annual events (one for each tank) are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,113

Statutory Limit Test

Violation Final Penalty Total $825

This violation Final Assessed Penalty (adjusted for limits) $825

Economic Benefit Worksheet

Respondent: City of Kaufman
Case ID No.: 32128
Reg. Ent. Reference No.: RN101392728
Media: Public Water Supply
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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				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	There are no delayed costs associated with this investigation.						
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	$900	1-Aug-2006	5-Oct-2007	1.2	$53	$1,060	$1,113
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	Estimated cost to conduct inspections on the storage tanks. Date required is the date the inspections should have been performed. Final date is the estimated date of compliance.						

Approx. Cost of Compliance: $900

TOTAL: $1,113

Screening Date	4-Jan-2007	**Docket No.** 2007-0022-PWS-E	**PCW**
Respondent	City of Kaufman		*Policy Revision 2 (September 2002)*
Case ID No.	32128		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101392728		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Christopher Miller		

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)

Violation Description Failed to ensure all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances are maintained in a watertight condition. Specifically, the two 60 horsepower pumps were leaking at the packing gland and check valve.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to ensure all water storage facilites and appurtenances are watertight can compromise the system's ability to provide an adequate supply of water.

Adjustment $900

$100

Violation Events

Number of Violation Events 1

44 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $12

Statutory Limit Test

Violation Final Penalty Total $110

This violation Final Assessed Penalty (adjusted for limits) $110

Economic Benefit Worksheet

Respondent City of Kaufman
Case ID No. 32128
Reg. Ent. Reference No. RN101392728
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	$200	21-Nov-2006	5-Oct-2007	0.9	$1	$12	$12
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	Estimated cost to ensure a watertight condition of the facility and equipment. Date required is the date of the investigation. Final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$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	There are no avoided costs associated with this violation.						
Approx. Cost of Compliance	$200					TOTAL	$12

Screening Date	4-Jan-2007	**Docket No.** 2007-0022-PWS-E	**PCW**
Respondent	City of Kaufman		*Policy Revision 2 (September 2002)*
Case ID No.	32128		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101392728		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Christopher Miller		

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)

Violation Description Failed to test backflow prevention assemblies within the distribution system annually. Specifically, four carwashes, one laundromat, Dallas Crown Processing Plant, and two funeral homes were not tested.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to test the backflow prevention assemblies could allow a significant amount of contaminants to enter the system which would exceed levels protective of human health.

Adjustment $500

$500

Violation Events

Number of Violation Events 8

173 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $4,000

Eight annual events (one for each site) are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $915

Statutory Limit Test

Violation Final Penalty Total $4,400

This violation Final Assessed Penalty (adjusted for limits) $4,400

Economic Benefit Worksheet

Respondent City of Kaufman
Case ID No. 32128
Reg. Ent. Reference No. RN101392728
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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				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	There are no delayed costs associated with this 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	$1,000	21-Nov-2006	5-Oct-2007	0.9	$44	$871	$915
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	Estimated cost to have the backflow prevention assemblies tested annually. Date required is the date of the investigation. Final date is the estimated date of compliance.						
Approx. Cost of Compliance	$1,000				TOTAL	$915	

Screening Date	4-Jan-2007	Docket No. 2007-0022-PWS-E	PCW
Respondent	City of Kaufman		Policy Revision 2 (September 2002)
Case ID No.	32128		PCW Revision December 8, 2006
Reg. Ent. Reference No.	RN101392728		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Christopher Miller		

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4)

Violation Description Failed to provide an adequate water level indicator on the elevated storage tanks. Specifically, the indicators only read in pounds per square inch not in feet of water.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to have a proper water level indicator on the elevated storage tank can contribute to inadequate water supply because the operator can not make the necessary usage and production calculations to ensure a continuous and safe water supply.

Adjustment $900

$100

Violation Events

1 | 16 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $3

Statutory Limit Test

Violation Final Penalty Total $110

This violation Final Assessed Penalty (adjusted for limits) $110

Economic Benefit Worksheet

Respondent City of Kaufman
Case ID No. 32128
Reg. Ent. Reference No. RN101392728
Media Public Water Supply
Violation No. 7

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	$1,000	21-Nov-2006	7-Dec-2006	0.0	$0	$3	$3
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	Estimated cost to install a water level indicator. Date required is the date of the investigation. Final date is the date of compliance.						
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 $1,000

TOTAL $3

Compliance History

Customer/Respondent/Owner-Operator:	CN600491245	City of Kaufman	Classification: AVERAGE	Rating: 1.56
Regulated Entity:	RN101392728	CITY OF KAUFMAN	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1290003
	WATER LICENSING	LICENSE	1290003
Location:	209 S WASHINGTON ST, KAUFMAN, TX, 75142		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	January 04, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 04, 2002 to January 04, 2007		

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

Name: Christopher Miller Phone: 512-239-6580

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership of the site during the compliance period?	No
3. If Yes, who is the current owner?	N/A
4. if Yes, who was/were the prior owner(s)?	N/A
5. When did the change(s) in ownership occur?	N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 10/21/2003 (248763)
2 12/21/2006 (531442)
3 11/07/2005 (435437)

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

Date: 07/25/2005 (398768)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)
Description: Failure to provide current backflow prevention assembly test report(s), specifically for the Dallas Crown, Inc, meat processing plant.

Date: 10/24/2003 (248763)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)
Description: Failure to provide adequate service pump capacity of 2 GPM/connection. System provides 3,250 GPM and requires 5,950 GPM, a 47% deficiency. Service Pump Peaking Factor requires 2,581 GPM and provides 2,000 GPM with largest pump out of service.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)[G]
Description: Failure to provide backflow prevention assembly test reports, specifically for hospitals, mortuaries, dentist offices, and other Health Hazards.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CITY OF KAUFMAN	§	
RN101392728	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-0022-PWS-E

I. JURISDICTION AND STIPULATIONS

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

1. The City owns and operates a public water supply at 209 South Washington Street in Kaufman, Kaufman County, Texas (the "Facility") that has approximately 2,939 service connections and serves at least 25 people per day for at least 60 days per year.

2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.

3. The City received notice of the violations alleged in Section II ("Allegations") on or about December 27, 2006.

4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of Six Thousand Three Hundred Eighty Dollars ($6,380) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Five Thousand One Hundred Four Dollars ($5,104) of the administrative penalty and One Thousand Two Hundred Seventy-Six Dollars ($1,276) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed

Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

6. 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.

7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

8. The Executive Director recognizes that on or about December 7, 2006 the City installed proper water level indicators on the elevated storage tanks.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to conduct and record daily chlorine residual tests on water collected at sites designated in the public water system's monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(B), as documented during an investigation conducted on November 21, 2006.

2. Failed to maintain an intruder resistant fence around the elevated storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on November 21, 2006.

3. Failed to demonstrate that the calcium hypochlorite used in the disinfection process is American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") approved for use in public water systems, in violation of 30 TEX. ADMIN. CODE § 290.42(j), as documented during an investigation conducted on November 21, 2006.

4. Failed to inspect the one ground storage tank and two elevated storage tanks and record the results annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1), as documented during an investigation conducted on November 21, 2006.

5. Failed to ensure all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances are maintained in a watertight condition, in violation of

30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on November 21, 2006.

6. Failed to test backflow prevention assemblies within the distribution system annually, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4), as documented during an investigation conducted on November 21, 2006.

7. Failed to provide an adequate water level indicator on the elevated storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on November 21, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Kaufman, Docket No. 2007-0022-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. It is further ordered that the City shall undertake the following technical requirements:

   a. Immediately upon the effective date of this Agreed Order, begin monitoring the disinfectant residual at representative locations within the distribution system at least once per day, in accordance with 30 TEX. ADMIN. CODE § 290.110.

   b. Within 30 days after the effective date of this Agreed Order:

      i. Repair the intruder resistant fence at the number 3 Oak Creek site, in accordance with 30 TEX. ADMIN. CODE § 290.43;

      ii. Provide certification that the calcium hypochlorite being used for disinfection at the Facility meets ANSI/NSF standards for use in public water supplies, in accordance with 30 TEX. ADMIN. CODE § 290.42;

iii. Conduct an inspection of the ground storage tank and two elevated storage tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46;

iv. Ensure that all backflow prevention assemblies within the distribution system are tested, in accordance with 30 TEX. ADMIN. CODE § 290.44; and

v. Repair the leaking service pumps so that the Facility is being maintained in a watertight condition, in accordance with 30 TEX. ADMIN. CODE § 290.46.

c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a through 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written

approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the City 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.

6. 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.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, 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

_____ 4/12/07
For the Executive Director Date

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

I also understand that 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.

_____ February 16, 2007
Signature Date

Curtis Snow City Manager
Name (Printed or typed) Title
Authorized Representative of
City of Kaufman

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