EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2004-0220-PWS-E **TCEQ ID:** RN101423671 **CASE NO.:** 13026

RESPONDENT NAME: City of West Tawakoni

ORDER TYPE:

__1660 AGREED ORDER	X 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	__WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: City of West Tawakoni, 200 Water Line Road, West Tawakoni, Hunt 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 September 5, 2006. No comments were received.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV 17 AM 11:1
CHIEF CLERKS OFFICE

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Laurie Eaves, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4495; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468
TCEQ Field Investigator: Mr. Joe Martinez, DFW Regional Office, MC R-04, (817) 588-5803
Respondent: Mr. Cloy Richards, City Administrator, City of West Tawakoni, 1533 East Highway 276, West Tawakoni, Texas 75474
Respondent's Attorney: Not represented by counsel on this enforcement matter

Attachment: Site Compliance History

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** February 24, 2003 **Date of NOE Relating to this Case:** April 11, 2003 (NOE) **Background Facts:** This was a routine investigation. Fourteen violations were documented. WATER 1) Failed to initiate a maintenance program to ensure the reliability of the Facility [30 TEX. ADMIN. CODE § 290.46(m)] 2) Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 milligrams per liter ("mg/l") free chlorine [30 TEX. ADMIN. CODE § 290.110(b)(4)]. 3) Failed to calibrate on-line turbidimeters with primary standards at least once every 90 days [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii)]. 4) Failed to calibrate the continuous disinfectant residual analyzers using chlorine solutions for known concentrations at least once every 90 days [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii)]. 5) Failed to verify the accuracy of the manual disinfect residual analyzers at least once in a 30 day period [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)]. 6) Failed to verify calibration of the on-line turbidimeters at least once a week [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv)].	**Total Assessed:** $10,098 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $10,098 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification:** __High ___Avg. __Poor **Person Compliance History Classification:** __High __X_Avg. __Poor **Major Source:** __X_ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Order Justification:** The Respondent has three NOVs for same or similar violations and one Agreed Order.	**Corrective Actions Taken** The Executive Director recognizes that the City is currently working with Hunter and Associates Texas LTD. to construct a new water treatment facility with an expanded treatment capability of 1.5 million gallons per day and implemented the following corrective measures at the Facility as of July 11, 2003: a. Submitted documentation that the leaking pipe below the gravity filter had been fixed; b. Submitted an updated map of the Facility's distribution system; c. Submitted documentation that deficiencies with the intruder-resistant fence were fixed; d. Submitted documentation that the influent, effluent, waste backwash, and chemical feedlines had been properly identified; and e. Submitted documentation that the caustic storage tank was labeled. **Ordering Provisions** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A). 3) The Order will also require the Respondent to: a. Immediately begin: i. Maintaining the surface water treatment plant sludge lagoon in a good working condition; ii. Maintaining the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/l free chlorine;

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
7) Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)]. 8) Failed to adequately maintain an intruder-resistant fence in order to protect the Facility [30 TEX. ADMIN. CODE § 290.41(e)(3)(C)]. 9) Failed to properly identify the influent, effluent, waste backwash, and chemical feedlines [30 TEX. ADMIN. CODE § 290.42(d)(13)]. 10) Failed to label the caustic storage tank [30 TEX. ADMIN. CODE § 290.42(d)(6)(C)]. 11) Failed to conduct inspections of ground and elevated storage tanks on an annual basis [30 TEX. ADMIN. CODE § 290.46(m)(1)]. 12) Failed to employ at least two properly licensed operators when the Facility serves more than 1,000 connections [30 TEX. ADMIN. CODE § 290.46(e)(6)(B) and TEX. HEALTH & SAFETY CODE § 341.033(a)]. 13) Failed to provide sufficient treatment plant capacity to accommodate the maximum daily usage of system [30 TEX. ADMIN. CODE § 290.42(a)]. 14) Failed to provide rate of flow controllers on each filter [30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i)].		iii. Calibrating on-line turbidimeters with primary standards at least once every 90 days; iv. Calibrating the continuous disinfectant residual analyzers using chlorine solutions for known concentrations at least once every 90 days; v. Verifying the accuracy of the manual disinfect residual analyzers at least once in a 30 day period; vi. Verifying calibration of the on-line turbidimeters at least once a week, vii. Conducting and recording inspections of ground and elevated tanks; and viii. Operating the Facility with at least two certified operators. b. Within 15 days after the effective date of this Agree Order, the City shall submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.viii.; and c. Within 30 days after the effective date of this Agreed Order: i. Provide sufficient treatment plant capacity to accommodate the maximum daily usage of the Facility; and ii. Provide rate of flow controllers on each filter. d. Within 45 days after the effective date of this Agree Order, the City shall submit written certification to demonstrate compliance with Ordering Provision Nos. 3.c.i. and 3.c.ii.

Attachment A
Docket Number: 2004-0220-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of West Tawakoni**
Amount of Payable Penalty:	**Ten Thousand Ninety-Eight Dollars ($10,098)**
Amount of Offset for the SEP:	**Ten Thousand Ninety-Eight Dollars ($10,098)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation & Development Areas, Inc. (RC&D)-Unauthorized Trash Dump Clean-Up**
Location of SEP:	**Hunt County**

The Texas Commission on Environmental Quality ("TCEQ"), agrees to offset a portion of the administrative penalty assessed in this Agreed Order under the condition that the Respondent shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The amount of the offset for the SEP is conditioned upon completion of the project in accordance with the terms set forth below.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Amount of Offset for the SEP is based upon the Respondent's agreement to spend at least the amount of offset to complete the project described above and to comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall make the required contribution to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation & Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

3. Records and Reporting

Concurrent with the payment of the SEP contribution, The Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the contribution to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of all required funds and the submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the Amount of Offset for the SEP.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 17, 2004*

DATES

PCW: 17-Aug-2004 | Screening: 13-Feb-2004 | Priority Due: 13-May-2004 | EPA Due:

RESPONDENT/FACILITY INFORMATION

Respondent	City of West Tawakoni		
Reg. Ent. Ref. No.	RN101423671		
Additional ID No(s).	PWS No. 1160012		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	13026	No. of Violations	9
Docket No.	2004-0220-PWS-E	Order Type	Findings
Case Priority	3	Enf. Coordinator	Laurie Eaves
Media Program(s)	Public Water Supply	EC's Team	Enforcement Team 3
Multi-Media			
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $4,950

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 55% Enhancement *Subtotals 2, 3, & 7* $2,723

Notes: The Respondent was issued six NOVs dated June 27, July 14, and October 20, 2000, December 18, 2001, April 11 and June 26, 2002, and one Findings Order (Docket No. 2001-1357-PWS-E) effective July 13, 2002 for the same or similar violations.

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 is not yet in compliance.

Economic Benefit 50% Enhancement* *Subtotal 6* $2,475

**Capped at the Total EB $ Amount*

Total EB Amounts	$416,040
Approx. Cost of Compliance	$3,006,300

SUM OF SUBTOTALS 1-7 Final Subtotal $10,148

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 $10,148

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $10,098

DEFERRAL Reduction Adjustment $0

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

Notes: No deferral as this is a Findings order.

PAYABLE PENALTY $10,098

Screening Date	13-Feb-2004	**Docket No.** 2004-0220-PWS-E	**PCW**
Respondent	City of West Tawakoni		*Policy Revision 2 (September 2002)*
Case ID No.	13026		*PCW Revision May 17, 2004*
Reg. Ent. Reference No.	RN101423671		
Additional ID No(s).	PWS No. 1160012		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Laurie Eaves		
Site Address	200 Water Line Road, West Tawakoni, Hunt County		

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)*	6	30%
	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	1	25%
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*	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) 55%

>> 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 Respondent was issued six NOVs dated June 27, July 14, and October 20, 2000 December 18, 2001, April 11 and June 26, 2002, and one Findings Order (Docket No. 2001-1357-PWS-E) effective July 13, 2002 for the same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

Screening Date 13-Feb-2004 **Docket No.** 2004-0220-PWS-E **PCW**

Respondent City of West Tawakoni *Policy Revision 2 (September 2002)*

Case ID No. 13026 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN101423671

Additional ID No(s). PWS No. 1160012

Media [Statute] Public Water Supply

Enf. Coordinator Laurie Eaves

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)
Secondary Rule Cite(s)	
Violation Description	Failure to initiate a maintenance program to ensure the reliability of the Facility. Specifically, the Respondent failed to fix the leaking pipe under the gravity filter and to maintain the sludge lagoon.

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

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

Two single events are recommended (one for each incident) based on the investigation date of February 24, 2003.

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

Estimated EB Amount $99

Violation Final Penalty Total $2,050

This violation Final Assessed Penalty (adjusted for limits) $2,000

Economic Benefit Worksheet

Respondent: City of West Tawakoni
Case ID No.: 13026
Reg. Ent. Reference No.: RN101423671
Additional ID No(s): PWS No. 1160012
Media [Statute]: Public Water Supply
Violation No.: 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
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)	$1,000	24-Feb-2003	17-Feb-2005	2.0	$99	n/a	$99
Notes for DELAYED costs	Estimated cost to fix the leak and clean the sludge lagoon. Date required based upon the investigation date. Final date based upon the anticipated compliance date.						
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: $99

Screening Date 13-Feb-2004 **Docket No.** 2004-0220-PWS-E **PCW**

Respondent City of West Tawakoni *Policy Revision 2 (September 2002)*

Case ID No. 13026 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN101423671

Additional ID No(s). PWS No. 1160012

Media [Statute] Public Water Supply

Enf. Coordinator Laurie Eaves

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(s)(2)(B)(iv), 290.46(s)(2)(B)(iii), 290.46(s)(2)(C)(ii) and (i), 290.46(s)(2)(C)(iii), and 290.110(b)(4)

Secondary Rule Cite(s)

Violation Description Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/l free chlorine (samples taken on February 24, 2003 indicated a 0.1 mg/l free chlorine residual), failure to calibrate on-line turbidimeters with primary standards and to calibrate the continuous disinfectant residual analyzers using chlorine solutions for known concentrations at least once every 90 days, failure to verify the accuracy of the manual disinfect residual analyzers at least once in a 30 day period and verify calibration of the on-line turbidimeters at least once a week.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	X		

OR

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors as a result of these violations.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty $1,000

Two semiannual events are recommended based upon the investigation date of February 24, 2003 through the screening date of February 13, 2004. Semiannual events are recommended to make the penalty commensurate with the situation.

Economic Benefit (EB) for this violation

Estimated EB Amount $99

Statutory Limit Test

Violation Final Penalty Total $2,050

This violation Final Assessed Penalty (adjusted for limits) $2,050

Economic Benefit Worksheet

Respondent	City of West Tawakoni
Case ID No.	13026
Reg. Ent. Reference No.	RN101423671
Additional ID No(s).	PWS No. 1160012
Media [Statute]	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				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)	$1,000	24-Feb-2003	17-Feb-2005	2.0	$99	n/a	$99
Notes for DELAYED costs	Estimated cost associated with equipment adjustments and monitoring. Date required based upon the investigation date. Final date based upon the anticipated compliance date.						
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: $99

Screening Date 13-Feb-2004 **Docket No.** 2004-0220-PWS-E **PCW**

Respondent City of West Tawakoni *Policy Revision 2 (September 2002)*

Case ID No. 13026 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN101423671

Additional ID No(s). PWS No. 1160012

Media [Statute] Public Water Supply

Enf. Coordinator Laurie Eaves

Violation Number	3
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.46(n)(2)
Secondary Rule Cite(s)	
Violation Description	Failure to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Base Penalty $1,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 25%

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

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended based upon the investigation date of February 24, 2003.

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

Estimated EB Amount $2

Violation Final Penalty Total $513

This violation Final Assessed Penalty (adjusted for limits) $513

Economic Benefit Worksheet

Respondent: City of West Tawakoni
Case ID No.: 13026
Reg. Ent. Reference No.: RN101423671
Additional ID No(s).: PWS No. 1160012
Media [Statute]: 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)	$100	24-Feb-2003	11-Jul-2003	0.4	$2	n/a	$2
Notes for DELAYED costs	Estimated cost to prepare a distribution map. Date required based on the investigation date. Final date based upon the compliance date.						
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: $100

TOTAL: $2

Screening Date 13-Feb-2004 **Docket No.** 2004-0220-PWS-E **PCW**

Respondent City of West Tawakoni *Policy Revision 2 (September 2002)*

Case ID No. 13026 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN101423671

Additional ID No(s). PWS No. 1160012

Media [Statute] Public Water Supply

Enf. Coordinator Laurie Eaves

Violation Number	4
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.41(e)(3)(C)
Secondary Rule Cite(s)	
Violation Description	Failure to adequately maintain an intruder-resistant fence in order to protect the Facility. Specifically, the barbed wire was not installed properly.

Base Penalty $1,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to adequately enclose the Facility in an intruder resistant fence could result in the exposure of pollutants which would exceed levels that are protective of human health or the environment.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended based upon the investigation date of February 24, 2003.

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

Estimated EB Amount $9

Violation Final Penalty Total $205

This violation Final Assessed Penalty (adjusted for limits) $205

Economic Benefit Worksheet

Respondent: City of West Tawakoni
Case ID No.: 13026
Reg. Ent. Reference No.: RN101423671
Additional ID No(s): PWS No. 1160012
Media [Statute]: Public Water Supply
Violation No.: 4

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)	$500	24-Feb-2003	11-Jul-2003	0.4	$9	n/a	$9
Notes for DELAYED costs	Estimated cost to properly enclose the Facility. Date required based upon the investigation date. Final date based on the compliance date.						
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: $9

Screening Date 13-Feb-2004 **Docket No.** 2004-0220-PWS-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Respondent City of West Tawakoni

Case ID No. 13026

Reg. Ent. Reference No. RN101423671

Additional ID No(s). PWS No. 1160012

Media [Statute] Public Water Supply

Enf. Coordinator Laurie Eaves

Violation Number	5
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(13)
Secondary Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(6)(C)
Violation Description	Failure to properly identify the influent, effluent, waste backwash, and chemical feedlines, and failure to label the caustic storage tank. The coding employed was not clear.

Base Penalty $1,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes: 30% - 70% of the requirement was met.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one / use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended based upon the investigation date of February 24, 2003.

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

Estimated EB Amount $4

Violation Final Penalty Total $205

This violation Final Assessed Penalty (adjusted for limits) $205

Economic Benefit Worksheet

Respondent	City of West Tawakoni
Case ID No.	13026
Reg. Ent. Reference No.	RN101423671
Additional ID No(s).	PWS No. 1160012
Media [Statute]	Public Water Supply
Violation No.	5

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)	$200	24-Feb-2003	11-Jul-2003	0.4	$4	n/a	$4
Notes for DELAYED costs	Estimated cost associated with coding and labeling that is clear. Date required is based on the first investigation date. Final date based on the compliance date.						
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	$200	TOTAL	$4

Screening Date 13-Feb-2004 **Docket No.** 2004-0220-PWS-E **PCW**

Respondent City of West Tawakoni *Policy Revision 2 (September 2002)*

Case ID No. 13026 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN101423671

Additional ID No(s). PWS No. 1160012

Media [Statute] Public Water Supply

Enf. Coordinator Laurie Eaves

Violation Number	6
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)
Secondary Rule Cite(s)	
Violation Description	Failure to conduct inspections of ground and elevated storage tanks on an annual basis.

Base Penalty $1,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to conduct ground and elevated storage tank inspections could expose human health to pollutants which would not exceed levels that are protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $250

One annual event is recommended based upon the investigation date of February 24, 2003.

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

Estimated EB Amount $50

Violation Final Penalty Total $513

This violation Final Assessed Penalty (adjusted for limits) $513

Economic Benefit Worksheet

Respondent: City of West Tawakoni
Case ID No.: 13026
Reg. Ent. Reference No.: RN101423671
Additional ID No(s).: PWS No. 1160012
Media [Statute]: Public Water Supply
Violation No.: 6

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)	$500	24-Feb-2003	17-Feb-2005	2.0	$50	n/a	$50
Notes for DELAYED costs	Estimated cost associated with monitoring. Final date is the anticipated compliance date.						
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: $50

Screening Date 13-Feb-2004 **Docket No.** 2004-0220-PWS-E **PCW**

Respondent City of West Tawakoni *Policy Revision 2 (September 2002)*

Case ID No. 13026 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN101423671

Additional ID No(s). PWS No. 1160012

Media [Statute] Public Water Supply

Enf. Coordinator Laurie Eaves

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(6)(B) and Tex. Health & Safety Code § 341.033(a)

Secondary Rule Cite(s)

Violation Description Failure to employ at least two licensed operators (one of the required operators must hold a Class "B" or higher surface water license and the other required operator must hold a Class "C" or higher surface water license).

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes Absence of oversight by qualified operators may result in undetected contaminants entering the public water supply and being distributed to the public for consumption.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $250

One annual event is recommended based upon the inspection date of February 24, 2003 through the screening date of February 13, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $298

Statutory Limit Test

Violation Final Penalty Total $513

This violation Final Assessed Penalty (adjusted for limits) $513

Economic Benefit Worksheet

Respondent	City of West Tawakoni
Case ID No.	13026
Reg. Ent. Reference No.	RN101423671
Additional ID No(s).	PWS No. 1160012
Media [Statute]	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				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)	$3,000	24-Feb-2003	17-Feb-2005	2.0	$298	n/a	$298
Notes for DELAYED costs	Estimated cost associated with properly licensed staff. 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							

Approx. Cost of Compliance	$3,000	TOTAL	$298

Screening Date 13-Feb-2004 **Docket No.** 2004-0220-PWS-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Respondent City of West Tawakoni

Case ID No. 13026

Reg. Ent. Reference No. RN101423671

Additional ID No(s). PWS No. 1160012

Media [Statute] Public Water Supply

Enf. Coordinator Laurie Eaves

Violation Number	8
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.42(a)
Secondary Rule Cite(s)	
Violation Description	Failure to provide sufficient treatment plant capacity to accommodate the maximum daily usage of system.

Base Penalty $1,000

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

OR	Harm: Release	Major	Moderate	Minor
	Actual			
	Potential	x		

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to provide sufficient plant capacity could result in system outages and allow pollutants which would exceed the levels that are protective of human health to enter the water supply.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 2

mark only one / use a small x	
daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty $1,000

Two semiannual events are recommended based upon the investigation date of February 24, 2003 through the screening date of February 13, 2004. Semiannual events are recommended to make penalty commensurate with the situation.

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

Estimated EB Amount $415,479

Violation Final Penalty Total $2,050

This violation Final Assessed Penalty (adjusted for limits) $2,050

Economic Benefit Worksheet

Respondent: City of West Tawakoni
Case ID No.: 13026
Reg. Ent. Reference No.: RN101423671
Additional ID No(s): PWS No. 1160012
Media [Statute]: Public Water Supply
Violation No.: 8

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)	$3,000,000	24-Feb-2003	01-Dec-2005	2.8	$415,479	n/a	$415,479
Notes for DELAYED costs	Estimated cost associated with construction of a new water treatment facility. Final date is the anticipated 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: $3,000,000

TOTAL: $415,479

Screening Date 13-Feb-2004 **Docket No.** 2004-0220-PWS-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Respondent City of West Tawakoni

Case ID No. 13026

Reg. Ent. Reference No. RN101423671

Additional ID No(s). PWS No. 1160012

Media [Statute] Public Water Supply

Enf. Coordinator Laurie Eaves

Violation Number	9
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(11)(D)(i)
Secondary Rule Cite(s)	
Violation Description	Failure to provide rate of flow controllers on each filter.

Base Penalty $1,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential	X		

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to monitor flows in the treatment process decreases the assurance of adequate treatment of the water supply which may result in a significant amount of pollutants entering into the system that would exceed levels which are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty $1,000

Two semiannual events are recommended based upon the investigation date of February 24, 2003 through the screening date of February 13, 2004. Semiannual events are recommended to make penalty commensurate with the situation.

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

Estimated EB Amount $0

Violation Final Penalty Total $2,050

This violation Final Assessed Penalty (adjusted for limits) $2,050

Economic Benefit Worksheet

Respondent: City of West Tawakoni
Case ID No.: 13026
Reg. Ent. Reference No.: RN101423671
Additional ID No(s): PWS No. 1160012
Media [Statute]: Public Water Supply
Violation No.: 9

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	See Economic Benefit for Violation No. 8.						
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: $0

TOTAL: $0

COMPLIANCE HISTORY

Customer/Respondent/Owner-Operator: CN600428361 City of West Tawakoni Classification: AVERAGE

Regulated Entity/ID Nos.: RN101423671, City of West Tawakoni Site Rating: 0.00
PWS Registration No. 1160012

Location: 200 Water Line Road, West Tawakoni Repeat Violator: (y/n)

Date Compliance History Prepared: February 12, 2004

Agency Decision Requiring Compliance History (mark one):

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

Compliance Period: February 12, 2004 to February 12, 1999

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

Name: Laurie Eaves Phone: (512)239-4495

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? [x] Yes [ ] No Unk

2. Has there been a (known) change in ownership of the site during the compliance period? [ ] Yes [x] No Unk

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 **during the portion of the five-year compliance history the site was owned by the person who is the subject of this compliance history**:

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

1. Effective Date: July 13, 2002 Type of Action: Enforcement Agreed Order

Violation Citation 1: 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(A).

Violation Description: Failed to maintain a residual disinfectant concentration of at least 0.2 mg/L free chlorine throughout the distribution system.

Violation Citation 2: 30 TEX. ADMIN. CODE § 290.42(d)(6)(E)(ii).

Violation Description: Failed to provide adequate containment facilities for all liquids chemical storage tanks.

Violation Citation 3: 30 TEX. ADMIN. CODE § 290.42(d)(6)(E)(iii).

Violation Description: The City has failed to provide a treatment plant capacity of 0.6 gpm per connection under normal rated design flow.

Violation Citation 4: 30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

Violation Description: The City has failed provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service.

Violation Citation 5: 30 TEX. ADMIN. CODE § 290.45(b)(2)(C) and TEX. HEALTH & SAFETY CODE § 341.0315(C).

Violation Description: The City has failed to provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service.

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

Conviction Date: None

Count 1:

Count 2:

C. Chronic excessive emissions events: None

D. The dates of investigations.

06/14/00
06/26/00
10/20/00
11/14/02
03/21/02
06/06/02
02/24/03

E. Written notices of violation (NOV)

1. Date: 6/27/2000 Self-reported? [ ] Yes [x] No

Violation Citation 1: 30 TAC 290.46(f)(1)(A)

Violation Description: Failure to provide adequate free chlorine residual 0f 0.2 mg/L in the far reaches of the distribution system.

2. Date: 7/14/2000

Violation Citation 1: 30 TAC 290.42(a)

Violation Description: Failure to meet this Agency's "Minimum Water System Capacity" Requirements.

Violation Citation 2: 30 TAC 290.43(c))(2)

Violation Description: Failure to provide the clear well with a properly designed roof access opening.

Violation Citation 3: 30 TAC 290.46(m)

Violation Description: Failure to provide maintenance program which will facilitate cleanliness, improve the general appearance of all plant facilities due to lack of proper maintenance.

Violation Citation 4: 30 TAC 290.113(a)

Violation Description: Failure to provide stable non corrosive treated water.

Violation Citation 5 30 TAC 290.42(d)(8)

Violation Description: Failure to provide optimum flocculation under varying raw water characteristics and rates of raw water treatment.

Violation Citation 6: 30 TAC 290.43(c)(3)

Violation Description: Failure to maintain the gap of 1/16 inch with the tank flap valve.

Violation Citation 7: 30 TAC 290.43(c)(6)
Violation Description: Failure to maintain the facilities in a throughly tight against leakage.

Violation Citation 8: 30 TAC 290.44(d)(6)
Violation Description: Failure to design the system to afford effective circulation of water with a minimum of dead ends.

3. Date: 10/20/2000
Violation Citation 30 TAC 290.46(f)(1)(A)
Violation Description: Failure to provide adequate free chlorine residual in the Tawakoni Grove Sub-Division.

4. Date: 12/18/01
Violation Citation1: 30 TAC 290.110(b)(4)
Violation Description: Failure to provide adequate free chlorine residual 0f 0.2 mg/L in the far reaches of the distribution system

Violation Citation 2: 30 TAC 290.41(e)(3)(C)
Violation Description: Failure to enclose the water treatment plant within an intruder-resistant locked fence.

5. Date: 4/11/2002
Violation Citation 1: 30 TAC 290.45(b)(2)(B)
Violation Description: Failure to provide a treatment pump capacity of 0.6 gpm per connection with the largest pump out of service

Violation Citation 2: 30 TAC 290.45(b)(2)(A)
Violation Description: Failure to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service

Violation Citation3: 30 TAC 290.45(b)(2)(C)
Violation Description: Failure to provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service.

Violation Citation 4: 30 TAC 290.46(m)(1)
Violation Description: Failure to provide a copy of the annual inspection of the ground storage tank.

Violation Citation 5: 30 TAC 290.46(s)(2)(A)
Violation Description: Failure to calibrate the bench top PH meter daily.

Violation Citation 6: 30 TAC 290.46(s)(2)(B)(iii)
Violation Description: Failure to calibrate the on-line turbidimeter with primary standard at once every 90 days.

Violation Citation 7: 30 TAC 290.46(s)(2)(C)(ii).
Violation Description: Failure to calibrate the continuous disinfectant residual analyzer with chlorine solutions of known concentrations at least once every 90 days.

Violation Citation 8: 30 TAC 290.46(s)(1)

Violation Description: Failure to calibrate the treated flow measuring device at least annually.

Violation Citation 9: 30 TAC 290.42(d)(5)

Violation Description: Failure to provide recycle water and back wash water flow measuring devices.

6. Date: 6/26/02

Violation Citation 1: 30 TAC 290.46(m)(4)

Violation Description: Failure to maintain all water system lines and related appurtenances in a water tight condition.

Violation Citation 1: 30 TAC 290.46(m)

Violation Description: Failure to provide maintenance program which will facilitate cleanliness, improve the general appearance of all plant facilities due to lack of proper maintenance.

F. Environmental audits.

1. Notice of Intent Date: None

Disclosure Date:

Violation Citation 1:

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.

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
MAY 17 AM 11:08
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING THE CITY OF WEST TAWAKONI RN101423671	§ § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2004-0220-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of West Tawakoni ("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 presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The City owns and operates a public water supply located at 200 Water Line Road, West Tawakoni, Hunt County, Texas (the "Facility") that has approximately 1,187 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on February 24, 2003, TCEQ staff documented that the City:

   a. Failed to initiate a maintenance program to ensure the reliability of the Facility. Specifically, the City failed to fix a leaking pipe under the gravity filter and to maintain the sludge lagoon;

b. Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/l free chlorine. Samples revealed a 0.1 mg/l free chlorine residual;

c. Failed to calibrate on-line turbidimeters with primary standards at least once every 90 days;

d. Failed to calibrate the continuous disinfectant residual analyzers using chlorine solutions for known concentrations at least once every 90 days;

e. Failed to verify the accuracy of the manual disinfect residual analyzers at least once in a 30 day period;

f. Failed to verify calibration of the on-line turbidimeters at least once a week;

g. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies;

h. Failed to adequately maintain an intruder-resistant fence in order to protect the Facility. Specifically, the barbed wire was not installed properly;

i. Failed to properly identify the influent, effluent, waste backwash, and chemical feedlines. Specifically, the coding employed was not clear;

j. Failed to label the caustic storage tank;

k. Failed to conduct inspections of ground and elevated storage tanks on an annual basis;

l. Failed to employ at least two licensed operators (one of the required operators must hold a Class "B" or higher surface water license and the other required operator must hold a Class "C" or higher surface water license);

m. Failed to provide sufficient treatment plant capacity to accommodate the maximum daily usage of system; and

n. Failed to provide rate of flow controllers on each filter.

3. The City received notice of the violations on April 16, 2003.

4. The Executive Director recognizes that the City is currently working with Hunter and Associates Texas LTD. to construct a new water treatment facility with an expanded treatment capability of 1.5 million gallons per day and implemented the following corrective measures at the Facility as of July 11, 2003:

   a. Submitted documentation that the leaking pipe below the gravity filter had been fixed;

   b. Submitted an updated map of the Facility's distribution system;

   c. Submitted documentation that deficiencies with the intruder-resistant fence were fixed;

   d. Submitted documentation that the influent, effluent, waste backwash, and chemical feedlines had been properly identified; and

   e. Submitted documentation that the caustic storage tank was labeled.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 2.a., the City failed to initiate a maintenance program to ensure the reliability of the Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(m);

3. As evidenced by Finding of Fact No. 2.b., the City failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/l free chlorine, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4);

4. As evidenced by Finding of Fact No. 2.c., the City failed to calibrate on-line turbidimeters with primary standards at least once every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii);

5. As evidenced by Finding of Fact No. 2.d., the City failed to calibrate the continuous disinfectant residual analyzers using chlorine solutions for known concentrations at least once every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii);

6. As evidenced by Finding of Fact No. 2.e., the City failed to verify the accuracy of the manual disinfect residual analyzers at least once in a 30 day period, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i);

7. As evidenced by Finding of Fact No. 2.f., the City failed to verify calibration of the on-line turbidimeters at least once a week, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv);

8. As evidenced by Finding of Fact No. 2.g., the City failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2);

9. As evidenced by Finding of Fact No. 2.h., the City failed to adequately maintain an intruder-resistant fence in order to protect the Facility, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(3)(C);

10. As evidenced by Finding of Fact No. 2.i., the City failed to properly identify the influent, effluent, waste backwash, and chemical feedlines, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(13);

11. As evidenced by Finding of Fact No. 2.j., the City failed to label the caustic storage tank, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(6)(C);

12. As evidenced by Finding of Fact No. 2.k., the City failed to conduct inspections of ground and elevated storage tanks on an annual basis, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1);

13. As evidenced by Finding of Fact No. 2.l., the City failed to employ at least two properly licensed operators when the Facility serves more than 1,000 connections, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(B) and TEX. HEALTH & SAFETY CODE § 341.033(a);

14. As evidenced by Finding of Fact No. 2.m., the City failed to provide sufficient treatment plant capacity to accommodate the maximum daily usage of system, in violation of 30 TEX. ADMIN. CODE § 290.42(a); and

15. As evidenced by Finding of Fact No. 2.n., the City failed to provide rate of flow controllers on each filter, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i).

16. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

17. An administrative penalty in the amount of Ten Thousand Ninety-Eight Dollars ($10,098) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b) and TEX. WATER CODE § 13.4151(b). Ten Thousand Ninety-Eight Dollars ($10,098) shall be conditionally offset by the the City's completion of a Supplemental Environmental Project.

III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Ten Thousand Ninety-Eight Dollars ($10,098), as set forth in Section II, Paragraph 17 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of West Tawakoni, Docket No. 2004-0220-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 City shall implement and complete a Supplemental Environmental Project (SEP) in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 17, Ten Thousand Ninety-Eight Dollars ($10,098) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The City shall undertake the following technical requirements:

   a. Immediately begin:

      i. Maintaining the surface water treatment plant sludge lagoon in a good working condition, as required by 30 TEX. ADMIN. CODE § 290.46(m);

      ii. Maintaining the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/l free chlorine, as required by 30 TEX. ADMIN. CODE § 290.110(b)(4);

      iii. Calibrating on-line turbidimeters with primary standards at least once every 90 days, as required by 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii);

      iv. Calibrating the continuous disinfectant residual analyzers using chlorine solutions for known concentrations at least once every 90 days, as required by 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii);

v. Verifying the accuracy of the manual disinfect residual analyzers at least once in a 30 day period, as required by 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i);

vi. Verifying calibration of the on-line turbidimeters at least once a week, as required by 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv);

vii. Conducting and recording inspections of ground and elevated tanks, as required by 30 TEX. ADMIN. CODE § 290.46(m)(1); and

viii. Operating the Facility with at least two certified operators, as required by 30 TEX. ADMIN. CODE § 290.46(e)(6)(B) and Tex. Health & Safety Code § 341.033(a).

b. Within 15 days after the effective date of this Agree Order, the City shall submit written certification as described below to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.viii.; and

c. Within 30 days after the effective date of this Agree Order,

i. Provide sufficient treatment plant capacity to accommodate the maximum daily usage of the Facility, as required by 30 TEX. ADMIN. CODE § 290.42(a); and

ii. Provide rate of flow controllers on each filter, as required by 30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i).

d. Within 45 days after the effective date of this Agree Order, the City shall submit written certification as described below to demonstrate compliance with Ordering Provision Nos. 3.c.i. and 3.c.ii.

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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

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

with a copy to:

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

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

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the 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.

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

7. 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.

8. 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.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

9/28/06
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.

Signature

7-1-06
Date

Cloy Richard
Name (Printed or typed)
Authorized Representative of
City of West Tawakoni

City Administrator
Title

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

Attachment A
Docket Number: 2004-0220-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of West Tawakoni**
Amount of Payable Penalty:	**Ten Thousand Ninety-Eight Dollars ($10,098)**
Amount of Offset for the SEP:	**Ten Thousand Ninety-Eight Dollars ($10,098)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation & Development Areas, Inc. (RC&D)-Unauthorized Trash Dump Clean-Up**
Location of SEP:	**Hunt County**

The Texas Commission on Environmental Quality ("TCEQ"), agrees to offset a portion of the administrative penalty assessed in this Agreed Order under the condition that the Respondent shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The amount of the offset for the SEP is conditioned upon completion of the project in accordance with the terms set forth below.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Amount of Offset for the SEP is based upon the Respondent's agreement to spend at least the amount of offset to complete the project described above and to comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall make the required contribution to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation & Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

3. Records and Reporting

Concurrent with the payment of the SEP contribution, The Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the contribution to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of all required funds and the submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the Amount of Offset for the SEP.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.