EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1394-PWS-E **TCEQ ID:** RN102929734 **CASE NO.:** 30878

RESPONDENT NAME: City of Clarksville

ORDER TYPE:		
__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: City of Clarksville Public Water Supply, west of the intersection of Martin Luther King Drive and Taft Street, Clarksville, Red River 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 2, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Enforcement Division, Enforcement Section I, MC R-13, (210) 403-4077; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
TCEQ Field Investigator: Ms. Donna Crandall, Tyler Regional Office, MC R-05, (903) 535-5100
Central Office Investigator: Ms. Christine Garcia, Water Supply Division, Public Drinking Water Section, MC 155
Respondent: Mr. Doug Smith, City Manager, City of Clarksville, 800 West Main Street, Clarksville, Texas 75426
The Honorable Ann Rushing, Mayor, City of Clarksville, 800 West Main Street, Clarksville, Texas 75426
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** June 20, 2006 **Date of NOVs/NOE Relating to this Case:** February 8, May 24, September 14, 2005 and September 30, 2005 (NOVs); June 22, 2006 (NOE) **Background Facts:** This was a routine record review. One violation was documented. **WATER** Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].	**Total Assessed:** $725 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $725 **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 **Findings Orders Justification:** The Respondent has four prior NOVs for the same violation over the previous five year period.	**Corrective Actions Taken:** The Executive Director recognizes that the City has achieved compliance with the running annual average MCL for TTHM by implementing an alternative method of disinfection as of January 18, 2006. Specifically, the running annual average for TTHM was 0.049 mg/L in the first quarter of 2006.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	07-Aug-2006				
PCW	22-Aug-2006	Screening	22-Aug-2006	EPA Due	22-Feb-2007

RESPONDENT/FACILITY INFORMATION

Respondent	City of Clarksville		
Reg. Ent. Ref. No.	RN102929734		
Facility/Site Region	5-Tyler	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	30878	No. of Violations	1
Docket No.	2006-1394-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 30% Enhancement *Subtotals 2, 3, & 7* $150

Notes: The penalty enhancement is due to four prior Notices of Violation (NOVs) for the same or similar violations as those in the current enforcement action and five dissimilar prior NOVs.

Culpability Yes 25% Enhancement *Subtotal 4* $125

Notes: The respondent was issued alert letters for total trihalomathanes ("TTHM") exceedances on July 1, 2004 and October 18, 2004.

Good Faith Effort to Comply 10% Reduction *Subtotal 5* -$50

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

Notes: The respondent has come into compliance as of January 18, 2006.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$388
Approx. Cost of Compliance	$5,000

SUM OF SUBTOTALS 1-7 Final Subtotal $725

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 $725

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $725

DEFERRAL 0% Reduction Adjustment $0

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

Notes: No deferral offered with a Findings Order.

PAYABLE PENALTY $725

Screening Date 22-Aug-2006 **Docket No.** 2006-1394-PWS-E **PCW**
Respondent City of Clarksville *Policy Revision 2 (September 2002)*
Case ID No. 30878 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102929734
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

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)*	4	20%
	Other written NOVs	5	10%
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*	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) **30%**

>> **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 penalty enhancement is due to four prior Notices of Violation (NOVs) for the same or similar violations as those in the current enforcement action and five dissimilar prior NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **30%**

Screening Date 22-Aug-2006 **Docket No.** 2006-1394-PWS-E **PCW**

Respondent City of Clarksville *Policy Revision 2 (September 2002)*

Case ID No. 30878 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102929734

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(4)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Failure to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for TTHM based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.112 mg/L for the fourth quarter of 2004, 0.131 mg/L for the first quarter of 2005, 0.133 mg/L for the second quarter of 2005 and 0.105 mg/L for the third quarter of 2005.

Base Penalty $1,000

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

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to comply with the MCL for TTHM resulted in the exposure of customers of the water supply to a significant amount of contaminants which did not exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

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 $500

One annual event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $388

Statutory Limit Test

Violation Final Penalty Total $725

This violation Final Assessed Penalty (adjusted for limits) $725

Economic Benefit Worksheet

Respondent City of Clarksville
Case ID No. 30878
Reg. Ent. Reference No. RN102929734
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)	$5,000	09-Dec-2004	18-Jan-2006	1.1	$18	$370	$388
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: The delayed costs include the amount to implement an alternative method of disinfection, calculated from the date when the first exceedances occurred to 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: There are no avoided costs associated with this violation.

Approx. Cost of Compliance: $5,000

TOTAL $388

Compliance History

Customer/Respondent/Owner-Operator:	CN600862106	City of Clarksville	Classification: AVERAGE	Rating: 1.11
Regulated Entity:	RN102929734	CITY OF CLARKSVILLE PUBLIC WATER SUPPLY	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1940002	
	WATER LICENSING	LICENSE	1940002	
Location:	LOCATED W OF MARTIN LUTHER KING DR ON TAFT STREET, CLARKSVILLE, RED RIVER COUNTY			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	August 08, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 08, 2001 to August 08, 2006			

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

Name: Yuliya Dunaway Phone: 210-403-4077

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 09/30/2005 (487871)
2 05/19/2003 (36162)
3 02/08/2005 (486218)
4 11/22/2005 (435923)
5 01/20/2005 (341346)
6 08/04/2006 (488514)
7 07/10/2006 (482069)
8 09/14/2005 (487844)
9 03/04/2003 (24945)
10 07/12/2005 (398494)
11 11/18/2002 (15276)
12 05/24/2005 (487831)
13 03/17/2004 (259075)

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

Date: 11/30/2005 (435923)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(6)
Description: Failure to provide acceptable flush valves and discharge piping on all dead end mains.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to provide each ground storage tank with a vent of the gooseneck or roof ventilator type, designed to prevent possible entry of dust, birds, insects or any contaminants.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]

Description: Failure to provide adequate containment facilities for all liquid chemical storage tanks.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)

Description: Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)[G]

Description: Failure to complete a customer service inspection certification on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private water distribution facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)

30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute per connection at each service outlet or connection.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(7)(A)

Description: Failure to provide each chemical feeder needed to comply with a treatment technique or MCL requirement with a standby or reserve unit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

Description: Failure to provide the chlorination room with more than one operating 150 pound cylinder of chlorine, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent must be provided, with the fan switch located outside the enclosure.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to provide an intruder-resistant fence in order to protect the well and storage facilities at the Booster Plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to maintain the overflow of a ground storage tank so that it is not subject to submergence,

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to calibrate flow measuring devices and rate-of-flow controllers that are required by 30 TAC Chapter 290.42(d) of this title at least once every 12 months.

Date: 05/24/2005 (487831)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2005.

Date: 01/20/2005 (341346)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description: Failure to provide each well with a concrete sealing block extending at least 3 feet from the exterior well casing in all directions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to seal each wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description: Failure to provide acceptable flush valves and discharge piping on all dead end mains.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to provide each ground storage tank with a vent of the gooseneck or roof ventilator type, designed to prevent possible entry of dust, birds, insects or any contaminants.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to provide each elevated storage tank with a vent of the gooseneck or roof ventilator type, excluding turbine ventilators, designed to prevent possible entry of dust, birds, insects or any contaminants. The opening must be protected by a 16-mesh or finer corrosion resistant screening.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failure to maintain the roof hatches on the ground storage tanks in a locked condition at all times to prevent any contamination from entering the water supply from outside sources.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)[G]

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)

Description: Failure to properly calibrate turbidity and chlorine residual test equipment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]

Description: Failure to provide adequate containment facilities for all liquid chemical storage tanks.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)

Description: Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)[G]

Description: Failure to complete a customer service inspection certification on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private water distribution facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)

30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute per connection at each service outlet or connection.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(7)(A)

Description: Failure to provide each chemical feeder needed to comply with a treatment technique or MCL requirement with a standby or reserve unit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

Description: Failure to provide the chlorination room with more than one operating 150 pound cylinder of chlorine, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent must be provided, with the fan switch located outside the enclosure.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to provide an intruder-resistant fence in order to protect the well and storage facilities at the Booster Plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to maintain the overflow of a ground storage tank so that it is not subject to submergence,

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate flow measuring devices and rate-of-flow controllers that are required by 30 TAC Chapter 290.42(d) of this title at least once every 12 months.

Date: 02/08/2005 (486218)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2004.

Date: 09/30/2005 (487871)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2005.

Date: 09/14/2005 (487844)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes in the second quarter of 2005.

Date: 03/18/2004 (259075)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
Description: Failure to provide each well with a concrete sealing block extending at least 3 feet from the exterior well casing in all directions.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: Failure to seal each wellhead with the use of gaskets or a pliable crack-resistant caulking compound.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(6)
Description: Failure to provide acceptable flush valves and discharge piping on all dead end mains.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
Description: Failure to provide each ground storage tank with a vent of the gooseneck or roof ventilator type, designed to prevent possible entry of dust, birds, insects or any contaminants.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
Description: Failure to provide each elevated storage tank with a vent of the gooseneck or roof ventilator type, excluding turbine ventilators, designed to prevent possible entry of dust, birds, insects or any contaminants. The opening must be protected by a 16-mesh or finer corrosion resistant screening.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
Description: Failure to maintain the roof hatches on the ground storage tanks in a locked condition at all times to prevent any contamination from entering the water supply from outside sources.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)[G]
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)
Description: Failure to properly calibrate turbidity and chlorine residual test equipment.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]

Description: Failure to provide adequate containment facilities for all liquid chemical storage tanks.

Date: 11/22/2002 (15276)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)

Description: Failure to maintain copies of properly completed Customer Service Inspection certifications on file. The regulated entity must provide these records to commission staff for inspection upon request and retain them for a minimum of ten years.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]

Description: Failure to initiate a maintenance program to improve the general appearance of all facilities and reduce costly repairs due to a lack of proper maintenance. This program should include repairs to the over flow on the elevated storage tank.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]

Description: Failure to maintain the elevated storage tank and the clearwell. The elevated storage tank and the clearwell must be maintained in strict accordance with current AWWA standards. All newly installed coatings must conform to ANSI/NSF Standard 61 and must be certified by an organization accredited by ANSI.

Date: 07/14/2006 (482069)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description: Failure to provide acceptable flush valves and discharge piping on all dead end mains.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)

Description: Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)[G]

Description: Failure to complete a customer service inspection certification on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private water distribution facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)

30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute per connection at each service outlet or connection.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

Description: Failure to provide the chlorination room with more than one operating 150 pound cylinder of chlorine, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent must be provided, with the fan switch located outside the enclosure.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to provide an intruder-resistant fence in order to protect the well and storage facilities at the Booster Plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to maintain the overflow of a ground storage tank so that it is not subject to submergence,

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)

Description: Failure to provide readable signs at the raw water intake structure.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. These practices should include

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)

Description: Failure to have an up-to-date Contact Time tracer study (CT study) to reflect proposed changes to the disinfection protocol.

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 CLARKSVILLE	§	
RN102929734	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1394-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 Clarksville ("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 west of the intersection of Martin Luther King Drive and Taft Street, Clarksville, Red River County, Texas (the "Facility") that has approximately 1571 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review on June 20, 2006, TCEQ staff documented the City exceeded the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.112 mg/L for the fourth quarter of 2004, 0.131 mg/L for the first

quarter of 2005, 0.133 mg/L for the second quarter of 2005 and 0.105 mg/L for the third quarter of 2005.

3. The City received notices of the violations on February 13, 2005, May 29, 2005, September 19, 2005, October 5, 2005 and June 22, 2006.

4. The Executive Director recognizes that the City has achieved compliance with the running annual average MCL for TTHM by implementing an alternative method of disinfection as of January 18, 2006. Specifically, the running annual average for TTHM was 0.049 mg/L in the first quarter of 2006.

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, the City failed to comply with the MCL of 0.080 mg/L for TTHM based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

3. 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.

4. An administrative penalty in the amount of Seven Hundred Twenty-Five Dollars ($725) 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). The City has paid the Seven Hundred Twenty-Five Dollar ($725) administrative penalty.

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 Seven Hundred Twenty-Five Dollars ($725), as set forth in Section II, Paragraph 4 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 Clarksville, Docket No. 2006-1394-PWS-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon 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.

3. 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.

4. 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.

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. 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

5/11/07
Date

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

I understand that by entering into this Agreed Order, City of Clarksville waives certain procedural rights including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Doug Smith
Signature

10-19-06
Date

Doug Smith
Name (printed or typed)
Authorized Representative
City of Clarksville

City Manager
Title

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